

# Faxon bills curb local day-care zoning

By Tim Richard  
staff writer

Licensed day-care homes would have to be considered as "residential" use in local zoning ordinances under controversial bills passed last week by the state Senate.

Sen. Jack Faxon, D-Farmington Hills, was sponsor of the three hotly debated bills, which amend the zoning laws for municipalities, rural townships and counties.

"Local units claim they (day-care operators) are running a business out of a house," said Faxon. "Under these bills, they can't treat day-care homes as businesses and disallow them."

Some opponents charged Faxon's bills "usurp local control." Others objected that group day-care facilities are indeed businesses and should



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be treated as such.

DAY-CARE providers find themselves in a no-win situation, Faxon said. If they obtain state licenses, they find themselves classified as businesses.

"A woman who has been baby-sitting in her home for years may register with the state and then discover that she is breaking the zoning law in her own city. This is a situation that needs to be remedied," Faxon said.

He said it's desirable that day-care homes be licensed so they can be inspected under safety and health codes.

His Senate Bills 687, 688 and 689 passed by votes of 22-12, 24-11 and 23-12.

In the Observer & Eccentric area, supporters were Faxon; Richard Fessler, R-Union Lake; and R. Robert Geake, R-Northville.

Opposed were William Faust, D-Westland; George Hart, D-Deerborn; and Rudy Nichols, R-Waterford.

The bills go next to the House, which will have only a few days in November and December to take them up.

FAUST AND Nichols joined a dissenting speech by Sen. William Sederburg, R-East Lansing.

Partly sympathetic to the bills, Sederburg told how his wife agreed to care for a neighbor child after school and found she had to have a state license.

"So we went through through this

entire process where my wife had to go through training — even though she had a master's degree in child psychology and taught school, she had to go through their day of training for people taking care of children."

"Our house has been inspected by their people. We got on their mailing list, which was a real treat, and for the last three years we've been getting phone calls from people wanting to know whether we take care of children for a business within our home."

"We made a mistake in trying to fulfill the intent of the law, I guess. Most people would have just taken care of this child and not paid any attention to the law."

Sederburg said, "We really should be treating family day-care homes slightly different (ly) in the law and not have them go through the same zoning requirements as other facilities."

BUT SEDERBURG criticized the

sections covering group day-care centers as inconsistent.

Such homes must "maintain the property consistent with the visible characteristics of the neighborhood, but at the same time require adequate off-street parking for employees."

"That seems to me in most neighborhoods would automatically mean you could not be consistent with the general characteristics of the neighborhood."

"I do not have any problem in requiring a group home — a business facility — having to seek zoning approval by the local city or the local township."

Sen. Harry Gast, R-St. Joseph, said the bills "usurp local zoning, local planning, maybe Sen. Faxon feels he has the wisdom that is far superior to those in the local units of government. (Faxon) has been trying to make the issue the kids. That's not the issue here; it's usurping local planning."

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