

General Zoning Recommendations for Child Care Readiness

Zoning Recommendations provided by:



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Introduction



Zoning is a key tool for implementation and action!

A zoning ordinance is a living document, which means that it must evolve to changes within the community as well as changes outside of the community, such as amendments in the law or court decisions that create new precedents.

Zoning is one of the primary tools the community can use to implement access to quality child care.

BACKGROUND

A robust child care system, which meets the needs of all families requiring child care services, is an economic development issue and critical to a community's quality of life. A child care ready community is:

- Informed of the need for child care facilities.
- Organized to address identified short falls.
- Connected to people and organizations that provide support.
- Supportive of the unique needs of vulnerable groups. The community understands that it is only child care ready if everyone in the community has access to good, affordable child care close to home and work.

Building on the Zoning Audit, this document offers text amendment recommendations. These recommendations represent best practices for removing barriers to child care and encouraging child care development. However, it is essential to determine if these recommendations align with your community's goals and priorities.

REPORT ORGANIZATION

This report contains the following key sections:

Part 1: Incentives Background

These suggestions should be used to propose and adopt zoning ordinance changes but may be adjusted when

Part 3: Zoning Ordinance Text Amendment Recommendations

discussing them with the planning commission, city council, city staff, or other stakeholders

Part 1:

Incentives Recommendations

Using incentives can actively promote child care development by offering tangible benefits to developers, making it more attractive for them to include child care facilities in their projects. **While eliminating barriers in the zoning ordinance is crucial, combining this with incentives creates a proactive approach that not only removes obstacles but also motivates investment in child care infrastructure.**

ZONING INCENTIVES

Zoning incentives that could be implemented to encourage child care development include:

- **Density Bonuses:** Provide additional unit or square foot bonuses in a mixed-use development or planned unit development (PUD), or other flexible development tools available in your community.
- **Dimensional Standards Adjustments:** Allow for increases to the minimum or maximum dimensional standards (such as setbacks, building heights, lot coverage percentages, etc.) for sites and facilities that accommodate child care facilities.
- **Parking and Space Flexibility:** Adjusting parking requirements and allowing shared spaces to make it easier to integrate child care facilities into existing developments.

Offering development incentives within the zoning ordinance will encourage not only the development of new child care facilities, but also the inclusion of child care facilities in new and existing projects.

PROCEDURAL INCENTIVES

Procedural incentives that could be implemented to encourage child care development include:

- **Municipal Fees:** Reduce or waive local fees for child care facilities.
- **Streamlined Process:** Encourage and offer free pre-development meetings for child care facilities. This allows potential child care providers to receive feedback from different municipal departments early in the process.

Incentivizing child care by reducing fees and offering free development review meetings can spur development and retain population, even with a small financial setback. These incentives create a family-friendly environment, attracting and retaining residents, and fostering long-term economic growth and community stability.

Part 2:

Policy and Procedure Recommendations

This section outlines ideas for policy and procedural recommendations for removing barriers to child care facilities. These recommendations are closely related to the zoning ordinance but exist outside of it.

FEE SCHEDULE

Below are sample recommendations for possible fee schedule adjustments to encourage the development of child care facilities.

Development Fee	Proposed Change	Rationale
Full Site Plan Review	Exempt child care facilities (child care centers, group child care homes, and family child care homes) from the plan review fees.	Waiving this fee for child care facilities will help encourage the development of child care facilities. This incentive will reduce the upfront cost of child care facility development, which can be particularly burdensome for smaller local developers.
Special Land Use Permit	Exempt child care facilities (child care centers, group child care homes, and family child care homes) from special land use review fee.	While allowing child care facilities by right across more zoning districts will help alleviate the special land use fee, allowing a waiver for child care facilities that may still need special land use approvals, will help incentivize the development of child care facilities. Additionally, removing the annual renewal fee will help incentivize child care.
Building Inspections	Offer building inspection waivers for reduced building inspection fees for child care facilities (child care centers, group child care homes, and family child care homes).	Waiving this fee for child care facilities will help encourage the development of child care facilities. This incentive will primarily help child care centers, as they will have more building inspections required. Child care centers have a higher capacity for children who can be enrolled, and thus have greater potential to positively impact child care markets.
Business Registration and Annual Business Fees	Exempt child care facilities (child care centers, group child care homes, and family child care homes) from the fee.	Removing this fee for child care facilities will help encourage the operation of child care facilities. In particular, this will help family and group child care homes that do not have the capital that commercial child care centers may possess.
Child Care Facility Investigation Fee	Remove this fee.	Removing this fee for child care facilities will help encourage the development of child care facilities. Additionally, it will help Birmingham by eliminating redundant checks, as LARA ensures compliance with applicable regulations.

PROCEDURAL BEST PRACTICES

Pre-Development Meetings: Boyne City should advertise and offer free pre-development meetings for applicants interested in opening child care facilities (child care centers, group child care homes, and family child care homes). This allows applicants to be better prepared and will assist in the development process.

Provide Clear Steps for Applicants: Create a comprehensive Application Process Packet that clearly details all the necessary steps and requirements for opening or expanding a child care facility, including obtaining a child care business license (if applicable in your community). This packet should include application forms, guidelines, and any required supporting documentation. Ensure the packet is easily accessible both online and in physical form to streamline the application process for potential business owners and providers.

Ongoing Review of the Application Process: Regularly assess and update the application process to stay in line with evolving regulations, industry standards, and community needs. Leverage technology to streamline and accelerate the process, including options for online submissions. Continue refining user-friendly application forms and instructions to enhance accessibility and ease of use for applicants.

Publicly Accessible Resources: Boyne City has established dedicated pages on the municipal website to ensure information is easily accessible to community members, entrepreneurs, and policymakers. The Business Tab of the municipal website successfully offers key forms and resources around starting a new business, for example. Regularly review, maintain, and expand these pages to foster a collaborative and informed approach to overcoming barriers.

Annual Reporting: Conduct an annual review of child care facilities and municipal efforts in this area. This creates a feedback loop, allowing the community to reflect on progress, make data-driven decisions, and adapt new strategies as needed.

Part 3:

Zoning Ordinance Amendment Recommendations

DEFINITIONS

Zoning ordinance definitions are crucial as they offer clarity and precision in communication, ensuring that everyone interprets a particular term or concept in the same way. To promote child care readiness, it is essential to offer clear and differentiated definitions for child care facilities that align with LARA and State Law.

It is recommended to add or revise the child care definitions in the Zoning Ordinance to match the following language:

- **Family Child Care Home:** *A private home in which 1 to 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the household.*
- **Group Child Care Home:** *A private home in which 8 to 14 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the household. Group child care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year. Group child care home includes a private home with increased capacity.*
- **Child Care Center:** *A facility, other than a private residence, receiving 1 or more children under 13 years of age for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. The facility is generally described as a child care center, day care center, day nursery, nursery.*

(Note: the State of Michigan licenses child care facilities and can grant exceptions to home child care allowing one or two additional children.)

In line with these definitions, it is recommended to remove references to “day care” and replace with “child care” throughout the zoning ordinance to ensure alignment with LARA definitions.

PERMITTED USES

In a zoning ordinance, *permitted land uses* are allowed by right without the need for additional approvals, while *special land uses* require additional review and approval due to their potential impact on the community.

The desired development pattern will vary from community to community. However, as shown in the table below, a best practice is to permit child care facilities as a by-right use in multiple zoning districts.

Recommended Change	Rationale
Permit family child care homes by right in every residential district.	To ensure compliance with MZEA (2006 PA 110, MCL 325.32016)
Permit group child care homes by right in every residential district .	As a best practice for allowing increased capacity for in-home child care.
Permit child care centers by right in all commercial districts.	To allow for child care centers by right in districts designed for commercial and mixed-use businesses.
Permit child care centers in zoning districts where schools are permitted.	To allow for child care centers in districts where schools are permitted (by special land use or by right), as child care centers and schools are similar uses.

PERMITTED USES: COMPLIANCE WITH MZEA

The chart below details the MZEA regulations, which permit family child care homes by right, and not requiring special land use or additional approvals, in all residential districts for all municipalities. Additionally, group child care homes are permitted by right in every city or village residential district. While group child care homes may be subject to special land use or additional approvals in counties or townships, they must be approved if they conform to the standards provided by the MZEA.

At the very least, communities must ensure compliance with the Michigan Zoning Enabling Act (MZEA) and permit family child care homes by right in every residential district, BUT it is recommended to permit group child care homes by right in all residential districts as well to increase in-home child care capacity in the community.

Child Care Facility Type	City / Village	County / Township
Family Child Care Homes	Must be permitted by right in every residential district.	
Group Child Care Homes	May be permitted by special land use in residential districts.	Must be permitted as special land use if the following MZEA criteria are met: <ol style="list-style-type: none"> 1. 1,500-feet away from: <ol style="list-style-type: none"> a) Another licensed group child care home b) An adult foster care small group home or large group home c) A facility offering substance use disorder services to 7 or more people d) A community correction center, resident home, or halfway house 2. Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government. 3. Maintains the property consistent with the visible characteristics of the neighborhood. 4. Does not exceed 16-hours of operation during a 24-hour period. 5. Meets regulations, if any, governing signs. 6. Meets regulations, if any to provide off-street parking accommodations for his or her employees.

Michigan Zoning Enabling Act (2006 PA 110, MCL 325.3201

USE STANDARDS: COMPLIANCE WITH LARA

Use standards in a zoning ordinance define specific criteria and regulations that must be met for the development, operation, or modification of specific uses, such as child care facilities. Below is a chart detailing LARA’s regulation on use standards commonly found in zoning ordinances. Many of the additional use standards found in zoning ordinances are not required by LARA. ***Eliminating excessive use standards will not compromise the safety of child care facilities, as they remain under the licensure of LARA. The standards, along with inspections, have been evaluated by the State to ensure the safety of these facilities.***

It recommended to remove excessive use standards applied to child care facilities that are stricter than LARA regulations when able.

Use Standards of a Typical Zoning Ordinance	LARA Standards		
	Family Child Care Home	Group Child Care Home	Child Care Center
Outdoor Space	400 sq.ft. min.	600 sq.ft. min.	1,200 sq.ft. min.* *More than 1,200 sq.ft. of outdoor play area may be required when the minimum amount is not adequate for the number of children for which the center is licensed.
Hours of Operation	None		
Separation Standards	None		Child care centers in multi-unit buildings may not be in close proximity of a hazardous or intensive use.
Screening / Fencing	Barriers must 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. Barriers must be a minimum of 4-feet in height and appropriately secured to prevent children from gaining access to such areas.		Outdoor play areas must be protected from hazards, when necessary, by a fence or natural barrier that is at least 48-inches in height.
Parking	None		
Lighting	None		When nighttime care is provided, all exit signs shall be illuminated, and emergency lighting provided at the interior and exterior of the exits.
Design Guidelines	None		
Noise Standards	None		