



A Planning and Zoning Best Practice Guide for Child Care Facilities

PREPARED BY:
RYAN SOUCY, AICP

Senior Economic Development
Planner, CUPPAD



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About

Local planning commissions are uniquely positioned to have an impact on the landscape of childcare across the Upper Peninsula. They are responsible for crafting the land use policies that envision healthy, thriving communities and neighborhoods as well as the zoning regulations that help implement them and ensure compatibility among a variety of other land uses. With the current state of childcare and the challenges the industry is facing, perhaps it is time to reevaluate our existing frameworks and determine if local policies and regulations have been achieving the desired results.

This resource is intended to guide planning commissioners as they work to adopt their local planning and zoning documents. It draws on important pieces of state legislation, such as the Child Care Organizations Act of 1973, and the Michigan Zoning Enabling Act (MZE) of 2006 to recommend actions that can be taken to align and improve upon communities' efforts regarding the environment of child care.

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- As of 2023, approximately 44% of Michiganders live in a childcare desert, meaning there are either no childcare providers within their immediate area.
- Average cost of infant care in Michigan is \$13,000/ year, which can represent 20-40% of family income.
- It has been reported that over 66% of parents had to make educational, training, and career sacrifices because of lack of childcare.

SOURCES: MICHIGAN STATE UNIVERSITY,
US CENSUS 2023, MICHIGAN.GOV

The Master Plan

The master plan is the policy basis for your community's zoning regulations. More than that, it's a document that serves to bring the community together to learn about and develop strategies for navigating key community issues. Stakeholders from a variety of different backgrounds may contribute to the development of the plan in many ways, whether it's sharing their professional knowledge or their lived experiences. When crafting community plans, we find that the topic of

childcare is often overlooked, despite its importance to the local economy and value to the development of the next generation. Planning is never meant to be done in a vacuum, so be sure to reach out to the topic experts in your community—regarding childcare, parents and childcare providers can be valuable resources as you look to develop strategies. There are a number of ways in which they can be engaged and provide input, including surveys, focus groups, and stakeholder interviews.

Best Practice: Developing a childcare strategy using focus groups.

Focus groups are a great way to both familiarize yourself with an issue and to gain meaningful feedback from stakeholders nearest to it. You can do this by identifying subject matter experts in the community and asking them if they would be willing to take part in a focus group—in this case, childcare providers and early childhood educators are ideal experts. Parents of young children who are either seeking childcare, or who have existing arrangements can provide unique perspectives and experiences also.

Additionally, it is important to choose focus group members who are representative of the community you serve whenever possible, which could be low-income individuals, historically marginalized populations, people living in rural areas, or persons with limited mobility. After selecting half a dozen or so individuals to comprise your focus group, set a meeting time that works for all, being mindful that scheduling can be difficult for working parents. Videoconferencing though services like Zoom and Microsoft Teams offer a convenient option for virtual participation.

Next, develop a loose agenda and three to five questions to keep your group focused and on track. Allow space on the agenda for brief introductions so everyone can get acquainted. Focus group questions should be designed to stimulate conversation among the participants while getting to the core of the topic. Some sample questions may include:

- Where do you think the environment of childcare is headed in the community? Are we on the right track, and if not, what needs to be done differently?
- What childcare needs are not being met across the community?
- What does your ideal vision of childcare look like in the community? What are the elements of a that vision and what steps could be taken to help us achieve it?
- In your opinion, what are the most significant barriers to enabling more childcare spaces in the community?
- Are childcare institutions located in the areas where it is most needed? If not, what is preventing it from being located there (e.g. local regulations, inadequate facilities, lack of providers)?
- Finally, what is the order of priority among the issues the group identified? What could have the greatest impact toward helping the community achieve the vision?

Be sure to take notes to capture the main points of the discussion so that you can refer to them later. These notes can then be drawn on to create draft strategies, starting with goals and working towards achievable objectives. Goals are broad aspirational statements that indicate a desired state, while objectives are more precise components of the goal that describe what and how you intend to reach the goal. When crafting your strategies, pay special attention to discussion content regarding locational barriers, as these may suggest additional land use changes are desired. With this framework, your commission will be equipped to identify the challenges, needs, and opportunities within the community.



The Zoning Ordinance

While the master plan serves as the guiding document for land use policy changes, the zoning ordinance is the tool that implements them by creating a regulatory framework for how land is used in the community. In Michigan, PA 110 of 2006, or the Michigan Zoning Enabling Act (MZEA) states that zoning shall be based on a plan for land use.

The master plan's zoning plan section and future land use map satisfy this requirement by explaining how future land use districts on the map will translate to zoning districts in the community, and so it is important that communities first review and update their master plans before making substantial changes to their zoning ordinance to ensure proper alignment.



Best Practice: Definitions

Updating your local ordinance should first begin with reviewing and updating definitions of terms. For childcare facilities, there are four terms all communities should review and check for consistency, and their statutory definitions are found within the Child Care Organizations Act. Your local terms may not exactly match the ones used in the act (e.g. nurseries and daycares for child care centers); however, they should be recognizable as the type described in the act.

Family child care home means a private home in which 1 but fewer than 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. Family 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. A family child care home does not include an individual providing babysitting services for another individual. Family child care home includes a private home with increased capacity.

Group child care home means a private home in which more than 6 but not more than 12 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.

Increased capacity means 1 additional child added to the total number of minor children received for care and supervision in a family child care home or 2 additional children added to the total number of minor children received for care and supervision in a group child care home.

Child care center means 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. Child care center includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center.

Best Practice: Family Child Care Homes

The MZEA also contains provisions regarding childcare facilities for cities, townships, villages, and counties. In some cases, the statute may supersede local zoning authority, stating what shall be included in the ordinance, while in other cases, it does not speak on matters and instead leaves the method of regulation to the local unit of government. For example, in counties and townships, the statute states that family childcare homes are residential uses of property for the purpose of zoning, are permitted uses in all residential zones, and not subject to any special conditions (i.e. special or conditional uses).

The act is silent on family childcare homes in cities, so the decision to regulate them is left up to the city. Family child care homes are low-impact home-based forms of business which generate minimal traffic and have little potential for generating nuisance issues while adding to quality of life and a feeling vibrancy in neighborhoods. In the case of all type of units of government, the best practice is to allow family child care homes to be regarded as permitted uses in all residential districts, as well as in all other districts where single-family homes are principally permitted.

Best Practice: Group Child Care Homes

The MZEA also speaks on group child care homes, stating different methods for regulating them based on the type of municipality having zoning authority, but it does not prescribe any particular district for them to be located.

In counties and townships, group child care homes must be subject to the special or conditional use permitting process. The act goes further to say that the following conditions shall be placed upon the special or conditional use permit:

- Is located not closer than 1,500 feet to any of the following:

Another licensed group child care home.

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.

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.

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.

- Has appropriate fencing for the safety of the children in the group child care home as determined by the local unit of government.
- Maintains the property consistent with the visible characteristics of the neighborhood.
- 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.
- Meets regulations, if any, governing signs used by a group child care home to identify itself.
- Meets regulations, if any, requiring a group child care home operator to provide off-street parking accommodations for his or her employees.



Best Practice: Group Child Care Homes, Cont.

For counties and townships, the best practice is to make group child care home special or conditional in the districts where single-family homes are listed as permitted uses. This way, the planning commission may decide on the appropriateness and compatibility of a particular use, with the context of the neighborhood it proposes to locate within.

But in the case of cities and villages, the MZEA only uses the permissive term “may” when providing for their regulation, stating: “...a group child care home may be issued a special use permit, conditional use permit, or other similar permit.”

This suggests that cities and villages are empowered to decide the form of regulation for group child care homes, which may be permitted uses, special or conditional, or not permitted by district. The best practice for cities and villages is to at a minimum, permit group child care homes conditionally in all districts where single-family homes are permitted, or allowing them as permitted uses in low to medium density residential districts. Group child care homes, by their definition are higher capacity facilities, may generate more traffic than family homes, and have a higher potential for impacting the character of a strictly residential neighborhood.

Best Practice: Child Care Centers

Absent from the Michigan Zoning Enabling Act is mention of child care centers, but the Child Care Organizations Act speaks to the requirements and features their facilities must have in order to become licensed. Suitable existing building stock for these types of facilities tends to be located within commercial, mixed-use, downtown, and highway commercial districts where traffic and activity is to be expected.

Child care centers generate moderate traffic at typical drop-off and pick-up times, and the impacts are on par with the average commercial use, and so the concern for incompatibility is minimal. For these reasons, the best practice for child care centers is to allow them as permitted uses in districts that comprise uses that are predominately commercial.

Closing Thoughts



In conclusion, addressing the child care crisis in Michigan necessitates a comprehensive approach, with zoning playing a critical role in the solution. By reassessing and reforming zoning regulations, communities can facilitate the establishment and expansion of child care facilities, making these essential services more accessible to families. Thoughtful zoning policies can help alleviate the burden on parents, support early childhood development, and contribute to the overall economic health of the state.

As Michigan continues to confront this pressing issue, collaborative efforts between policymakers, local governments, and community stakeholders will be key to creating an environment where child care services can thrive and meet the needs of all families.