

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

For Planning Commission Meeting of October 1, 2024

SUBJECT: Amendments to Chapter 55 (Unified Development Code)

Section 5.15 Permitted Uses, Section 5.16 Use Specific Standards, to permit Child Care Center and Private School uses in additional zoning districts and alter the specifications for Child Care Center uses.

PROPOSED CITY PLANNING COMMISSION MOTION

The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the following amendments to Chapter 55, Unified Development Code:

- Section 5.15 Primary Use Tables to allow Private School uses as special exception uses in the RE (Research) and ORL (Office/Research/Limited Light Industrial) zoning districts.
- Section 5.15 Primary Use Tables to allow Child Care Center uses as permitted uses in the R1 (all) (Single-Family Dwelling), R2A (Two-Family Dwelling), R2B (Two-Family Dwelling and Student Housing), RE (Research), and ORL (Office/Research/Limited Light Industrial) zoning districts.
- Section 5.16 Use Specific Standards to alter the specifications for Child Care Center uses.

STAFF RECOMMENDATION:

Staff recommends that the amendment to the Unified Development Code **to alter the Use Specific Standards of and permit the Child Care Center use in the R1 (all) (Single-Family Dwelling), R2A (Two-Family Dwelling), R2B (Two-Family Dwelling and Student Housing), RE (Research), and ORL (Office/Research/Limited Light Industrial) zoning districts and allow Private School uses as special exception uses in the RE (Research) and ORL (Office/Research/Limited Light Industrial) zoning districts be approved** because there is a deficit in the availability of childcare in the city of Ann Arbor, the proposed amendments would restore Child Care Centers and Private Schools as uses in the RE (Research) district as Chapter 55 allowed prior to 2019, and align these uses across the RE (Research) and ORL

(Office/Research/Limited Light Industrial) districts given the similarities between the two zoning districts.

SUMMARY:

Staff received a text amendment application to allow Child Care Centers and Private Schools as permitted uses in the RE and M1/M1A (Limited Industrial/Limited Light Industrial) zoning districts. In response, staff recommend altering the Use Specific Standards for Child Care Center and permitting this use in the R1 (all), R2A, R2B, RE, and ORL zoning districts and allowing Private School uses as Special Exception Uses (SEU) in the RE and ORL zoning districts.

REPORT:

In July 2024 the petitioner made a text amendment application requesting to allow Child Care Centers and Private Schools as permitted Primary uses in the RE and M1/M1A zoning districts. The City Planning Commission's Ordinance Revisions Committee discussed the concept on August 27, 2024.

Background

The amendment petition asks that Child Care Centers and Private Schools be permitted as Primary uses in the RE and M1/M1A zoning districts. The petition rationale for Child Care Center zoning changes is shared below:

By allowing childcare centers in these zones, the City can alleviate the shortage of child care options, reduce traffic congestion by decentralizing services, and provide families with more convenient choices. This strategic move can enhance affordability by increasing supply and competition, promote equity by offering diverse and accessible locations, and support sustainability by reducing travel distances and emissions.

The petition rationale for Private School zoning changes is shared below:

By permitting private schools in these zones, Ann Arbor can enhance educational accessibility, reduce traffic congestion by decentralizing school locations, and provide families with more convenient choices. This strategic move can promote equity by offering diverse educational options, support sustainability by reducing travel distances and emissions, and enhance the city's attractiveness for families seeking a range of educational opportunities.

In 2023, Ann Arbor Spark, with assistance from Public Sector Consultants, convened the Livingston and Washtenaw Counties Child Care Coalition. The coalition was composed of prospective and current child care providers, economic development professionals, policymakers, family representatives, and others. Over the course of a year, the group engaged the community to better understand child care challenges

facing the region and identify solutions. The resulting report, "*Caring for Our Future: A Regional Action Plan to Expand Child Care Access in Livingston and Washtenaw Counties*", identifies advocating "for local policy change related to zoning and development" as an achievable area of policy change in the short- and medium-term to promote a friendlier environment for child care providers. Additional findings from the report are shown in Table 1 below.

Table 1: Key Findings from *Caring for Our Future: A Regional Action Plan to Expand Child Care Access in Livingston and Washtenaw Counties*

Issue	Key Findings
Availability	<ul style="list-style-type: none"> • Only 1 licensed childcare slot for every 8 children under 5 • 3 out of 5 families can't find childcare that meets their needs (worse for families earning less than \$100,000/year and for nonwhite families)
Cost	<ul style="list-style-type: none"> • Over half of families say cost is a barrier to finding care • Our region has the most expensive childcare in the state • Center-based care for infants and toddlers costs about \$14,000/year
Worker and Business Impacts	<ul style="list-style-type: none"> • Average wage is less than \$12.50/hour (far below the livable wage for the area) • Most employers say lack of adequate childcare negatively affects their business

At the City Planning Commission’s Ordinance Revisions Committee meeting on August 27, 2024, Commissioners were supportive of permitting Primary Child Care Center use in the RE and ORL zoning districts and allowing Private School uses as SEUs in the RE and ORL zoning districts.

Changing the Child Care Center use from a SEU to a Primary use in the R1 (all), R2A, R2B zoning districts was not presented by staff at this meeting, however it proposed here to align the Child Care Center use as Primary use across all zoning districts in which it is allowed, rather than maintaining a mixture of Primary and SEU categories depending on the zoning district.

Staff Analysis

1. A text amendment application was received to allow Child Care Centers and Private Schools as permitted uses in the RE and M1/M1A zoning districts. Child Care Centers are already a Primary Use in all M1 districts.
2. Before 2019, Chapter 55 allowed Child Care Centers and Private Schools as SEUs in RE zoning districts. Private Schools were not allowed in ORL. Since 2019, Child Care Centers are no longer allowed in the RE district but are

permitted as SEUs in the ORL district. The proposed amendments would restore Child Care Centers and Private Schools as permitted uses in the RE district. Child Care Centers would be allowed as a Primary Use, and Private Schools as a SEU. The permissions for Child Care Center and Private School uses in the ORL district are not proposed to change. A summary of these changes and proposals is provided below in Table 2.

Table 2: Comparison of recent and proposed zoning designations for Child Care Centers and Private Schools in Ann Arbor

	Prior to 2019	Current Status	Proposed Status
Child Care Centers			
R1 and R2	SEU	SEU	Primary use
RE	SEU	Not permitted	Primary use
ORL	Special Exception Accessory Use	SEU	Primary use
Private Schools			
RE	SEU	Not permitted	SEU
ORL	Not permitted	Not permitted	SEU

- The proposed change would allow Child Care Centers as a Primary Use in the RE district and change them from a SEU to a Primary Use in the ORL district. The proposed changes also seek to align Child Care Center and Private School uses in the RE and ORL districts, given the overall permitted land uses and localization of these zoning districts within the city of Ann Arbor.
- Staff further recommend changing the Use Specific Standards of Child Care Centers to remove references to SEU approval when in R1 (all), R2A and R2B districts. This additional change seeks to align the Child Care Use as a Primary Use in all zoning districts in which it is allowed while also facilitating the development of child care centers in the city, given the significant need for more child care in the region.
- Removing the SEU category of Child Care Centers in the R1 (all), R2A and R2B districts carries the implication that if no physical changes to the building or site are proposed, a site plan would no longer be required for this use in these districts.
- Staff proposes changes to the Use Specific Standards for Child Care Centers in the R1 (all), R2A and R2B districts. Specifically, the standard that “The parcel must have a minimum of 7,500 square feet of lot area” would be maintained and language would be added requiring that all Child Care

Centers in the above zoning districts shall be licensed by the State of Michigan.

7. An attached map shows the areas of the city in which Child Care Centers are currently permitted, and in which they are proposed to be permitted.
8. Staff recommends against allowing Private Schools in M1/M1A districts as requested. Instead, we suggest restoring private school uses to their pre-2019 zoning designations without further expansion (see Table 2). Private Schools often have large footprints and external uses that may not fit well in M1/M1A areas. These districts are limited in size and are crucial for specific light industrial uses that support a diverse local economy. Preserving M1/M1A areas for industrial purposes ensures space for current and future technologies that may only be permitted in these zones. While public schools and public institutions of higher learning are allowed in all districts, this is because they are independent government entities not subject to local zoning regulations.
9. An attached map shows the areas of the city in which Private Schools are currently allowed, as a Special Exception or Primary use, and the proposed areas they would be allowed as a Special Exception or Primary use. This map also delineates M1/M1A areas that were proposed to be included in the text amendment petition but are not supported by staff.

Recommended Amendments – See the attached ordinance for proposed amendments as recommended by staff.

Prepared by Julia Shake
Reviewed by Hank Kelley
9-20-2024

Attachments:

Ordinance to Amend Chapter 55 (Child Care Centers and Private Schools) Draft 10-1-2024
Petition for Chapter 55 Text Amendment
August 27, 2024 Planning Staff Memo to ORC on Child Care Center and Private School permitted zoning district changes
Map of current and proposed Child Care Center permitted locations
Map of current and proposed Private School permitted locations