



# City of Flint, Michigan

Third Floor, City Hall  
1101 S. Saginaw Street  
Flint, Michigan 48502  
www.cityofflint.com

## Meeting Agenda – AMENDED

Wednesday, October 9, 2024

5:00 PM

AGENDA AMENDED to add Ord No. 240459

City Council Chambers

### LEGISLATIVE COMMITTEE

VACANT, Chairperson

Leon El-Alamin, Ward 1

Ladel Lewis, Ward 2

VACANT, Ward 3

Judy Priestley, Ward 4

Jerri Winfrey-Carter, Ward 5

Tonya Burns, Ward 6

Candice Mushatt, Ward 7

Dennis Pfeiffer, Ward 8

Jonathan Jarrett, Ward 9

Davina Donahue, City Clerk

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### ROLL CALL

### REQUEST FOR AGENDA CHANGES/ADDITIONS

### PUBLIC COMMENT

*Members of the public who wish to address the City Council or its committees must register before the meeting begins. A box will be placed at the entrance to the Council Chambers for collection of registrations. No additional speakers or slips will be accepted after the meeting begins.*

*Members of the public shall have no more than three (3) minutes per speaker during public comment, with only one speaking opportunity per speaker.*

## **COUNCIL RESPONSE**

*Councilmembers may respond once to all public speakers only after all public speakers have spoken. An individual Councilmember's response shall be limited to two (2) minutes.*

## **CONSENT AGENDA**

*Per the amended Rules Governing Meetings of the Flint City Council (as adopted by the City Council on Monday, April 22, 2024), the chair may request the adoption of a "Consent Agenda". After a motion to adopt a Consent Agenda is made and seconded, the Chair shall ask for separations. Any agenda item on a Consent Agenda shall be separated at the request of any Councilmember. After any separations, there is no debate on approving the Consent Agenda-it shall be voted on or adopted without objection.*

## **ORDINANCES**

**240426-T** Code Amendment/Ordinance/ Chapter 24 (Housing)/Article IV (Fair Chance Access to Rental Housing)/Sections 24-114 to 24-127

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 24, Housing, by the addition of Article IV, Fair Chance Access to Rental Housing, Sections 24-114 to 24-127. [NOTE: This ordinance to become effective 30 days after adoption.]

**240430-T** Code Amendment/Ordinance/Chapter 25 (Community Development)/Article I (Community Benefits Agreements)/Sections 25-1 to 25-7

An ordinance to amend the Flint City Code of Ordinances by amended Chapter 25, Community Development, by the addition of Article I, Community Benefits Agreements. [NOTE: This ordinance to become effective 30 days after adoption.]

**240459-T** Code Amendment/Ordinance/Chapter 50/Zoning Ordinance

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 50, Zoning Ordinance, Section 50-23 Permitted Uses, 50-25 General Residential Zoning District Requirements, 50-30 Permitted Uses, 50-37 Permitted Uses, 50-39 Additional Criteria and Requirements for Review of Uses in Green Innovation Districts, 50-43 Permitted Uses, 50-81 Adult Foster Care and Adult Day Care, 50-90

Child Care Center, 50-111 Residential Rehabilitation Facilities, and 50-184  
Definitions.

## **SPECIAL ORDER**

Special Order/Fair Chance Housing Ordinance

A Special Order as requested by President Lewis to allow for a 10–15 minute  
presentation concerning the Fair Chance Housing Ordinance.

## **ADJOURNMENT**

ORDINANCE NO. \_\_\_\_\_

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 24, Housing.

**IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:**

**Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 24, Housing, by adding Article IV. Fair Chance Access to Rental Housing, Sections 24-114 to 24-127, which shall read in its entirety as follows:**

**§24-114 PURPOSE.**

**THE PURPOSE OF THIS ARTICLE IS TO ENHANCE THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PUBLIC BY ENSURING CITIZENS WITH ARREST AND CONVICTION RECORDS HAVE A FAIR OPPORTUNITY TO SECURE HOUSING BY REGULATING THE USE OF CRIMINAL BACKGROUND CHECKS AS PART OF THE TENANT SCREENING PROCESS, THEREBY FACILITATING RE-INTEGRATION INTO SOCIETY, REDUCING RECIDIVISM AND ITS ASSOCIATED CRIMINAL JUSTICE AND SOCIETAL COSTS. BARRIERS TO OPPORTUNITIES FOR PEOPLE WITH ARREST OR CONVICTION RECORDS INCREASE RECIDIVISM AND JEOPARDIZE THE SAFETY OF THE PUBLIC, DISRUPT THE FINANCIAL AND OVERALL STABILITY OF AFFECTED FAMILIES AND COMMUNITIES, AND IMPEDE THE CITY FROM ACHIEVING ITS MAXIMUM POTENTIAL OF ECONOMIC GROWTH.**

**§24-115 SCOPE.**

- (A) THIS ARTICLE DOES NOT INTEND, AND SHALL NOT BE CONSTRUED, TO REQUIRE A HOUSING PROVIDER TO GIVE PREFERENCE TO ANYONE OR TO RENT TO AN UNQUALIFIED TENANT WITH AN ARREST OR CONVICTION RECORD. MOREOVER, THIS ARTICLE SHALL NOT BE CONSTRUED TO LIMIT A HOUSING PROVIDER'S ABILITY TO CHOOSE THE MOST QUALIFIED AND APPROPRIATE CANDIDATE FROM APPLICANTS FOR HOUSING.**
  
- (B) THIS ARTICLE DOES NOT INTEND, AND SHALL NOT BE CONSTRUED, TO CREATE OR IMPOSE A DUTY, OR TO CREATE A PRIVATE CAUSE OF ACTION AGAINST THE CITY, ITS ELECTED OFFICIALS, APPOINTEES, OFFICERS, AGENTS, OR EMPLOYEES.**

**§24-116 DEFINITIONS.**

**FOR THE PURPOSES OF THIS ARTICLE, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANING RESPECTIVELY ASCRIBED TO THEM BY THIS SECTION:**

***ADMINISTERING AGENCY* MEANS THE OFFICE OF THE OMBUDSPERSON.**

***ADVERSE ACTION* MEANS TO EVICT AN INDIVIDUAL, FAIL OR REFUSE TO RENT OR LEASE REAL PROPERTY TO AN INDIVIDUAL, FAIL OR REFUSE TO CONTINUE TO RENT OR LEASE REAL PROPERTY TO AN INDIVIDUAL, FAIL OR REFUSE TO ADD A HOUSEHOLD MEMBER TO AN EXISTING LEASE, OR TO REDUCE ANY TENANT SUBSIDY. THE ADVERSE ACTION MUST RELATE TO REAL PROPERTY LOCATED IN THE CITY OF FLINT.**

***APPLICANT* MEANS AN INDIVIDUAL APPLYING TO RENT OR LEASE ELIGIBLE HOUSING. IT ALSO INCLUDES AN INDIVIDUAL APPLYING TO BE ADDED TO AN EXISTING LEASE FOR ELIGIBLE HOUSING.**

***ARREST* MEANS A RECORD FROM ANY JURISDICTION THAT DOES NOT RESULT IN A CONVICTION AND INCLUDES INFORMATION INDICATING THAT A PERSON HAS BEEN QUESTIONED, APPREHENDED, TAKEN INTO CUSTODY OR DETAINED, OR HELD FOR INVESTIGATION BY A LAW ENFORCEMENT, POLICE OR A PROSECUTORIAL AGENCY, OR CHARGED WITH, INDICTED, OR TRIED AND ACQUITTED FOR ANY FELONY, MISDEMEANOR, OR OTHER CRIMINAL OFFENSE. ARREST IS A TERM THAT IS SEPARATE AND DISTINCT FROM, AND THAT DOES NOT INCLUDE, UNRESOLVED ARREST AS DEFINED IN THIS SECTION.**

***BACKGROUND CHECK REPORT* MEANS ANY CRIMINAL HISTORY REPORT ACCESSIBLE THROUGH THE MICHIGAN STATE POLICE INTERNET CRIMINAL HISTORY ACCESS TOOL (I-CHAT), COURTS, OR BY ANY CONSUMER REPORTING, OR TENANT SCREENING, AGENCY OR BUSINESS.**

***CONVICTION* MEANS A RECORD FROM ANY JURISDICTION, WHICH INCLUDES INFORMATION INDICATING THAT A PERSON HAS BEEN CONVICTED OF A FELONY OR MISDEMEANOR, PROVIDED, THAT THE CONVICTION IS ONE FOR WHICH THE PERSON HAS BEEN PLACED ON PROBATION, FINED, IMPRISONED OR PAROLED. THOSE MATTERS IDENTIFIED IN SECTION 24-118, WHICH A HOUSING PROVIDER MAY NOT MAKE AN INQUIRY AND WHICH THEY MAY NOT BASE AN ADVERSE ACTION, ARE NOT CONSIDERED CONVICTIONS FOR PURPOSES OF THIS ARTICLE.**

***CONVICTION HISTORY* MEANS INFORMATION REGARDING ONE OR MORE CONVICTIONS OR UNRESOLVED ARRESTS, TRANSMITTED ORALLY OR IN WRITING OR BY ANY OTHER MEANS, AND OBTAINED FROM ANY SOURCE, INCLUDING, BUT NOT LIMITED TO, THE INDIVIDUAL TO WHOM THE INFORMATION PERTAINS OR A BACKGROUND CHECK REPORT.**

***DIRECTLY RELATED CONVICTION* MEANS THAT THE CONDUCT FOR WHICH THE PERSON WAS CONVICTED OR THAT IS THE SUBJECT OF AN UNRESOLVED ARREST THAT HAS A DIRECT AND SPECIFIC NEGATIVE BEARING ON THE HEALTH, SAFETY, OR RIGHT TO PEACEFUL ENJOYMENT OF THE PREMISES BY PERSONS AND INCLUDES ONE OR MORE OF THE OFFENSES LISTED IN SECTION 24-119(B) OF THIS CODE. IN DETERMINING WHETHER THE**

CONVICTION OR UNRESOLVED ARREST IS DIRECTLY RELATED TO THE HOUSING, THE HOUSING PROVIDER SHALL CONSIDER WHETHER THE HOUSING OFFERS THE OPPORTUNITY FOR THE SAME OR SIMILAR OFFENSE TO OCCUR, WHETHER CIRCUMSTANCES LEADING TO THE CONDUCT FOR WHICH THE PERSON WAS CONVICTED WILL RECUR IN THE HOUSING, AND WHETHER SUPPORTIVE SERVICES THAT MIGHT REDUCE THE LIKELIHOOD OF A RECURRENCE OF SUCH CONDUCT ARE AVAILABLE ON-SITE. THOSE MATTERS IDENTIFIED IN SECTION 24-118(A)(2) OF THIS CODE, WHICH A HOUSING PROVIDER MAY NOT MAKE AN INQUIRY AND WHICH THEY MAY NOT BASE AN ADVERSE ACTION, MAY NOT QUALIFY AS A DIRECTLY RELATED CONVICTIONS.

*DWELLING OR DWELLING UNIT* MEANS A SINGLE UNIT PROVIDING COMPLETE, INDEPENDENT LIVING FACILITIES OCCUPIED, OR INTENDED TO BE OCCUPIED, IN WHOLE OR IN PART BY ONE OR MORE PERSONS, INCLUDING PERMANENT SPACE AND PROVISIONS FOR LIVING, COOKING, EATING, SANITATION, AND SLEEPING.

*ELIGIBLE HOUSING* MEANS ANY RENTAL PROPERTY IN THE CITY OF FLINT AVAILABLE FOR RENT OR LEASE WHERE A SINGLE STRUCTURE CONTAINS MORE THAN FOUR DWELLING UNITS OR MORE THAN FOUR RENTAL PROPERTIES ARE OWNED BY THE SAME PERSON.

*ENFORCING AGENCY* MEANS THE POLICE DEPARTMENT.

*EVIDENCE OF REHABILITATION OR OTHER MITIGATING FACTORS* MEANS, BUT SHALL NOT BE LIMITED TO, A PERSON'S SATISFACTORY COMPLIANCE WITH ALL TERMS AND CONDITIONS OF PAROLE OR PROBATION, EXCEPT INABILITY TO PAY FINES, FEES, AND RESTITUTION DUE TO INDIGENCE SHALL NOT BE CONSIDERED NONCOMPLIANCE WITH TERMS AND CONDITIONS OF PAROLE OR PROBATION OR BOTH; EMPLOYER RECOMMENDATIONS, ESPECIALLY CONCERNING A PERSON'S POST-CONVICTION EMPLOYMENT; EDUCATIONAL ATTAINMENT OR VOCATIONAL OR PROFESSIONAL TRAINING SINCE THE CONVICTION, INCLUDING TRAINING RECEIVED WHILE INCARCERATED; COMPLETION OR ACTIVE PARTICIPATION IN REHABILITATIVE TREATMENT, FOR EXAMPLE, ALCOHOL OR DRUG TREATMENT; LETTERS OF RECOMMENDATION FROM COMMUNITY ORGANIZATIONS, COUNSELORS OR CASE MANAGERS, TEACHERS, COMMUNITY LEADERS OR PROBATION OR PAROLE OFFICERS WHO HAVE OBSERVED THE APPLICANT SINCE HIS OR HER CONVICTION(S); AND THE AGE OF THE PERSON AT THE TIME OF THE CONVICTION. SUCCESSFUL COMPLETION OF PAROLE, PROBATION, MANDATORY SUPERVISION, OR POST-RELEASE COMMUNITY SUPERVISION SHALL CREATE A PRESUMPTION OF REHABILITATION. EXAMPLES OF MITIGATING FACTORS THAT ARE OFFERED VOLUNTARILY BY THE PERSON MAY INCLUDE, BUT ARE NOT LIMITED TO, EXPLANATION OF THE PRECEDENT COERCIVE CONDITIONS, INTIMATE PHYSICAL OR EMOTIONAL ABUSE, OR UNTREATED SUBSTANCE ABUSE OR MENTAL ILLNESS THAT CONTRIBUTED TO THE CONVICTION.

***HOUSING PROVIDER*** MEANS ANY ENTITY THAT OWNS, MASTER LEASES, MANAGES, OR RENTS ELIGIBLE HOUSING IN THE CITY OF FLINT. ANY AGENT, SUCH AS A PROPERTY MANAGEMENT COMPANY, WHICH MAKES TENANCY DECISIONS ON BEHALF OF THE AFOREMENTIONED ENTITIES, SHALL ALSO BE CONSIDERED A HOUSING PROVIDER.

***INQUIRE*** MEANS ANY DIRECT OR INDIRECT CONDUCT INTENDED TO GATHER INFORMATION FROM OR ABOUT AN APPLICANT, OR A POTENTIAL APPLICANT OR CANDIDATE, USING ANY MODE OF COMMUNICATION, INCLUDING, BUT NOT LIMITED TO, APPLICATION FORMS, INTERVIEWS, AND BACKGROUND CHECK REPORTS.

***PERSON*** MEANS ANY INDIVIDUAL, PARTNERSHIP, FIRM, COMPANY, CORPORATION, ASSOCIATION, SOLE PROPRIETORSHIP, LIMITED-LIABILITY COMPANY, JOINT VENTURE, ESTATE, TRUST, OR ANY OTHER LEGAL ENTITY.

***RENTAL PROPERTY*** MEANS A NON-OWNER-OCCUPIED DWELLING UNIT OR UNITS THAT:

- (1) IS OR ARE LET, OR OCCUPIED, BY PERSONS, INCLUDING A FAMILY MEMBER OF THE OWNER, PURSUANT TO AN ORAL OR WRITTEN RENTAL CONTRACT, OR LEASE, OR OTHER ORAL OR WRITTEN AGREEMENT OR UNDERSTANDING FOR OCCUPATION, WITH OR WITHOUT, MONETARY COMPENSATION; OR
- (2) WILL BE OFFERED FOR OCCUPANCY UNDER AN ORAL OR WRITTEN RENTAL CONTRACT OR LEASE, OR OTHER ORAL OR WRITTEN AGREEMENT OR UNDERSTANDING FOR OCCUPATION, WITH OR WITHOUT, MONETARY COMPENSATION TO ANY PERSON; OR
- (3) IS OR ARE CONTAINED WITHIN A BUILDING WITH TWO OR MORE DWELLING UNITS THAT ARE NOT OCCUPIED BY THE OWNER; OR
- (4) HAS OR HAVE BEEN ADVERTISED TO THE PUBLIC OR PREVIOUSLY REGISTERED WITH THE CITY AS RENTAL PROPERTY.

***UNRESOLVED ARREST*** MEANS AN ARREST THAT IS UNDERGOING AN ACTIVE PENDING CRIMINAL INVESTIGATION OR TRIAL THAT HAS NOT YET BEEN RESOLVED. AN ARREST HAS BEEN RESOLVED IF THE ARRESTEE WAS RELEASED AND NO ACCUSATORY PLEADING WAS FILED CHARGING HIM OR HER WITH AN OFFENSE, OR IF THE CHARGES HAVE BEEN DISMISSED OR DISCHARGED BY THE PROSECUTING ATTORNEY OR THE COURT.

**§24-117 APPLICABILITY; ELIGIBLE HOUSING.**

**THIS ARTICLE SHALL APPLY TO ALL HOUSING PROVIDERS WITH ELIGIBLE HOUSING AS DEFINED IN THIS ARTICLE AVAILABLE FOR RENT OR LEASE LOCATED IN THE CITY OF FLINT.**

**§24-118 PROHIBITION ON HOUSING PROVIDER INQUIRING INTO CRIMINAL CONVICTIONS OF APPLICANTS AND THEIR HOUSEHOLD MEMBERS UNTIL BEING INTERVIEWED OR QUALIFIED; BASIS FOR ADVERSE ACTION.**

**(A) EXCEPT AS PROVIDED IN SECTION 24-119 OF THIS CODE, HOUSING PROVIDERS SHALL NOT:**

**(1) INQUIRE ABOUT OR REQUIRE APPLICANTS TO DISCLOSE CONVICTION HISTORY AS PART OF TENANT SCREENING PROCESS UNTIL THE HOUSING PROVIDER:**

**A. HAS DETERMINED THE APPLICANT IS QUALIFIED TO RENT THE HOUSING UNIT UNDER ALL OF THE HOUSING PROVIDER'S CRITERIA NOT RELATED TO POTENTIAL PAST CRIMINAL CONVICTIONS OR AN UNRESOLVED ARREST; AND**

**B. HAS PROVIDED TO THE APPLICANT A CONDITIONAL LEASE AGREEMENT THAT COMMITS THE UNIT TO THE APPLICANT AS LONG AS THE APPLICANT PASSES THE CONVICTION HISTORY REVIEW.**

**(2) BASE AN ADVERSE ACTION IN WHOLE OR IN PART:**

**A. ON AN UNRESOLVED ARREST OR AN ARREST NOT LEADING TO A CONVICTION;**

**B. ON PARTICIPATION IN OR COMPLETION OF A DIVERSION OR A DEFERRAL OF JUDGMENT PROGRAM;**

**C. ON A CONVICTION THAT HAS BEEN JUDICIALLY DISMISSED, EXPUNGED, VOIDED, INVALIDATED OR OTHERWISE RENDERED INOPERATIVE BY A COURT OF LAW OR BY EXECUTIVE PARDON.**

**D. ON A CONVICTION OR ANY OTHER DETERMINATION OR ADJUDICATION IN THE JUVENILE JUSTICE SYSTEM, OR INFORMATION REGARDING A MATTER CONSIDERED IN OR PROCESSED THROUGH THE JUVENILE JUSTICE SYSTEM;**

**E. ON A MISDEMEANOR CONVICTION THAT IS MORE THAN FIVE YEARS OLD, CALCULATED FROM THE DATE OF SENTENCING; OR**



**F. ON INFORMATION PERTAINING TO AN OFFENSE OR VIOLATION OTHER THAN A FELONY OR MISDEMEANOR, SUCH AS A CIVIL INFRACTION.**

**(3) A HOUSING PROVIDER SHALL NOT INCLUDE QUESTIONS REGARDING OR REQUIRE APPLICANTS TO DISCLOSE ON ANY HOUSING APPLICATION THE FACTS OR DETAILS OF ANY CONVICTION HISTORY OR ANY MATTER IDENTIFIED IN SUBSECTION (2) OF THIS SECTION.**

**(B) IT IS THE RESPONSIBILITY OF A HOUSING PROVIDER TO ENSURE THAT ITS EMPLOYEES AND AGENTS COMPLY WITH THIS ARTICLE.**

**§24-119 EXCEPTIONS TO PROHIBITION.**

**(A) THIS ARTICLE DOES NOT LIMIT THE RIGHT OF A HOUSING PROVIDER TO TAKE ANY OF THE FOLLOWING ACTIONS:**

**(1) CONDUCT CONVICTION HISTORY OR OBTAIN BACKGROUND CHECK REPORTS ON APPLICANTS WHERE THERE IS A STATUTORY DUTY TO DO SO; OR**

**(2) NOTIFY APPLICANTS THAT APPLICABLE LAWS, INCLUDING THOSE SET FORTH IN SUBSECTION (B) OF THIS SECTION WILL DISQUALIFY AN INDIVIDUAL WITH A PARTICULAR CONVICTION HISTORY FROM ELIGIBILITY FOR TENANCY.**

**(B) REGARDING APPLICANTS AND THEIR HOUSEHOLD MEMBERS, A HOUSING PROVIDER MAY BASE AN ADVERSE ACTION IN WHOLE OR IN PART ON DIRECTLY RELATED CONVICTIONS THAT INCLUDES ONE OR MORE OF THE FOLLOWING:**

**(1) ANY CONVICTION WHERE STATE OR FEDERAL LAW PROHIBITS THE APPLICANT FROM BEING ELIGIBLE FOR PUBLIC HOUSING; OR**

**(2) ANY CONVICTION THAT LEADS TO THE APPLICANT BECOMING A LIFETIME REGISTERED SEX OFFENDER; OR**

**(3) ANY CONVICTION FOR VIOLENT OR DRUG-RELATED FELONIES; OR**

**(4) CONVICTION FOR FELONIES COMMITTED WITHIN THE LAST TEN YEARS OR IMPRISONMENT FOR FELONIES WITHIN THE LAST FIVE YEARS; OR**

**(5) ANY CONVICTION FOR CRIMES AGAINST LANDLORDS, MANAGEMENT AGENTS, THEIR EMPLOYEES OR AGENTS, OR OTHER TENANTS OR REAL PROPERTY; OR**

**(6) ANY CONVICTION OR PLEA TO ANY CRIME INVOLVING ARSON; OR**

**(7) ANY CONVICTION OR PLEA TO ANY CRIME INVOLVING METAL THEFT, VANDALIZING, OR OTHERWISE DAMAGING REAL PROPERTY.**

**§24-120 PROCEDURES FOR USE OF EVIDENCE OF REHABILITATION OR OTHER MITIGATING FACTORS IN HOUSING DECISIONS; REQUIREMENT FOR INDIVIDUALIZED ASSESSMENT.**

**(A) CONSISTENT WITH THE PROCEDURES IN THIS SECTION AND SUBJECT TO STATE AND FEDERAL LAW, A HOUSING PROVIDER SHALL OFFER THE APPLICANT A REASONABLE OPPORTUNITY TO PRESENT EVIDENCE OF REHABILITATION OR OTHER MITIGATING FACTORS RELATED TO CONVICTIONS WITHIN THE PREVIOUS FIVE YEARS.**

**(B) IN REVIEWING AN APPLICANT'S CRIMINAL HISTORY AND MAKING A DECISION RELATED TO ELIGIBLE HOUSING BASED ON SUCH HISTORY, A HOUSING PROVIDER SHALL CONDUCT AN INDIVIDUALIZED ASSESSMENT, CONSIDERING ONLY:**

**(1) CONVICTIONS THAT WARRANT DENIAL BASED ON LOCAL, STATE, OR FEDERAL LAW; AND**

**(2) TIME THAT HAS ELAPSED SINCE THE CONVICTION; AND**

**(3) WHETHER IT IS A DIRECTLY RELATED CONVICTION, AS DEFINED IN SECTION 24-116 OF THIS CODE, THAT HAS DIRECT AND SPECIFIC NEGATIVE BEARING ON THE SAFETY OF PERSONS OR REAL PROPERTY; AND**

**(4) ANY EVIDENCE OF INACCURACY OR EVIDENCE OF REHABILITATION OR OTHER MITIGATING FACTORS PRESENTED BY THE APPLICANT.**

**(C) IF A HOUSING PROVIDER INTENDS TO BASE AN ADVERSE ACTION RELATED TO ELIGIBLE HOUSING ON AN ITEM OR ITEMS IN THE APPLICANT'S CONVICTION HISTORY, PRIOR TO TAKING ANY ADVERSE ACTION THE HOUSING PROVIDER SHALL PROVIDE THE APPLICANT WITH A COPY OF THE BACKGROUND CHECK REPORT AND SHALL NOTIFY THE APPLICANT OF THE PROSPECTIVE ADVERSE ACTION AND THE ITEMS FORMING THE BASIS FOR THE PROSPECTIVE ADVERSE ACTION.**

**(D) IF, WITHIN 14 CALENDAR DAYS OF THE DATE THAT THE NOTICE DESCRIBED IN SUBSECTION (C) OF THIS SECTION IS PROVIDED BY THE HOUSING PROVIDER TO THE APPLICANT, THE APPLICANT GIVES THE HOUSING PROVIDER NOTICE IN WRITING OF EVIDENCE OF THE**

**INACCURACY OF THE ITEM OR ITEMS OF CONVICTION HISTORY OR EVIDENCE OF REHABILITATION OR OTHER MITIGATING FACTORS SET FORTH IN THIS SECTION, THE HOUSING PROVIDER SHALL DELAY ANY ADVERSE ACTION FOR A REASONABLE PERIOD OF NOT LESS THAN FIVE CALENDAR DAYS AFTER RECEIPT OF THE INFORMATION. DURING THAT TIME THE HOUSING PROVIDER SHALL RECONSIDER THE PROSPECTIVE ADVERSE ACTION IN LIGHT OF THE INFORMATION PROVIDED BY THE APPLICANT OR POTENTIAL APPLICANT.**

**(E) THE HOUSING PROVIDER SHALL PROMPTLY NOTIFY THE APPLICANT OF ANY FINAL ADVERSE ACTION BASED UPON THEIR CONVICTION HISTORY OR CONTENTS OF THE CRIMINAL BACKGROUND CHECK.**

**(F) IT SHALL BE UNLAWFUL FOR ANY HOUSING PROVIDER TO ENGAGE IN ANY COMMUNICATION, INCLUDING THE PRODUCTION OR DISSEMINATION OF ADVERTISEMENTS, RELATED TO ELIGIBLE HOUSING, WHICH EXPRESSES, DIRECTLY OR INDIRECTLY, THAT ANY PERSON WITH AN ARREST OR CONVICTION RECORD WILL NOT BE CONSIDERED FOR THE RENTAL OR LEASE OF REAL PROPERTY OR THAT MAY NOT APPLY FOR THE RENTAL OR LEASE OF REAL PROPERTY, EXCEPT AS REQUIRED BY LOCAL, STATE, OR FEDERAL LAW. FOR PURPOSES OF THIS SUBSECTION, ENGAGING IN A COMMUNICATION INCLUDES, BUT IS NOT LIMITED TO, MAKING A VERBAL STATEMENT OR PRODUCING OR DISSEMINATING ANY SOLICITATION, ADVERTISEMENT, OR SIGNAGE.**

**§24-121 NOTICE AND POSTING REQUIREMENTS FOR HOUSING PROVIDERS.**

**(A) A HOUSING PROVIDER SHALL STATE IN ALL SOLICITATIONS OR ADVERTISEMENTS FOR THE RENTAL OR LEASE OF ELIGIBLE HOUSING, OR MADE ON THEIR BEHALF, THAT THE HOUSING PROVIDER SHALL CONSIDER QUALIFIED APPLICANTS CONSISTENT WITH THIS ARTICLE. THIS LANGUAGE SHALL INCLUDE, AT MINIMUM, THE FOLLOWING STATEMENT:**

**"THE RENTAL OR LEASE OF THIS PROPERTY MUST COMPLY WITH CHAPTER 24, ARTICLE IV OF THE FLINT CITY CODE OF ORDINANCES REGULATING THE USE OF CRIMINAL BACKGROUND CHECKS AS PART OF THE TENANT SCREENING PROCESS TO PROVIDE CITIZENS WITH CRIMINAL BACKGROUNDS A FAIR OPPORTUNITY. FOR ADDITIONAL INFORMATION, PLEASE CONTACT THE CITY OF FLINT OFFICE OF THE OMBUDSPERSON."**

**(B) THE ADMINISTERING AGENCY SHALL PUBLISH AND MAKE AVAILABLE TO HOUSING PROVIDERS, IN ALL LANGUAGES SPOKEN BY MORE THAN FIVE PERCENT OF THE CITY'S POPULATION, A NOTICE**

**SUITABLE FOR POSTING THAT INFORMS APPLICANTS FOR ELIGIBLE HOUSING OF THEIR RIGHTS UNDER THIS ARTICLE. THIS NOTICE SHALL BE UPDATED ON OR BEFORE DECEMBER 1ST OF ANY YEAR WHEN THERE IS A CHANGE IN THE LANGUAGES SPOKEN BY MORE THAN FIVE PERCENT OF THE CITY'S POPULATION.**

**(C) IN ADDITION TO THE REQUIREMENTS FOR SOLICITATIONS OR ADVERTISEMENTS IN SUBSECTION (A) OF THIS SECTION, HOUSING PROVIDERS SHALL POST A NOTICE PROMINENTLY ON THEIR WEBSITE AND AT ANY LOCATION UNDER THEIR CONTROL THAT IS FREQUENTLY VISITED BY APPLICANTS OR POTENTIAL APPLICANTS FOR THE RENTAL OR LEASE OF ELIGIBLE HOUSING IN THE CITY. IN ADDITION, THIS NOTICE SHALL BE AVAILABLE TO APPLICANTS IN HARD COPY AND PROVIDED WITH AN APPLICATION. THE NOTICE REQUIREMENTS IN THIS SECTION SHALL CONTAIN THE FOLLOWING ADDITIONAL INFORMATION, WHICH MAY BE SUMMARIZED BY THE HOUSING PROVIDER OR AVAILABLE FROM THE ADMINISTERING AGENCY PURSUANT TO SECTION 24-127(A)(1) OF THIS CODE:**

**(1) A DESCRIPTION OF THOSE MATTERS IDENTIFIED IN SECTION 24-118 OF THIS CODE THAT MAY NOT BE CONSIDERED BY THE HOUSING PROVIDER;**

**(2) A DESCRIPTION OF THE RESTRICTIONS AND REQUIREMENTS THAT SECTION 24-118 OF THIS CODE IMPOSES ON HOUSING PROVIDERS WHEN INQUIRING ABOUT CONVICTION HISTORY IN CONNECTION WITH AN APPLICATION FOR THE RENTAL OR LEASE OF ELIGIBLE HOUSING IN THE CITY;**

**(3) THE CIRCUMSTANCES AND TIMELINE UNDER WHICH THE APPLICANT OR POTENTIAL APPLICANT HAS A RIGHT TO PROVIDE EVIDENCE OF REHABILITATION AND OTHER MITIGATING FACTORS AS PROVIDED IN SECTION 24-120 OF THIS CODE; AND**

**(4) THE TELEPHONE NUMBER, EMAIL ADDRESS, AND MAILING ADDRESS OF THE ADMINISTERING AGENCY THAT THE APPLICANT OR POTENTIAL APPLICANT MAY USE TO MAKE A REPORT WHERE HE OR SHE BELIEVES THE HOUSING PROVIDER HAS VIOLATED THIS ARTICLE IN THEIR INTERACTIONS WITH THE APPLICANT OR POTENTIAL APPLICANT.**

#### **§24-122 HOUSING PROVIDER RECORDS.**

**(A) UNLESS PROHIBITED BY FEDERAL OR STATE LAW, A HOUSING PROVIDER SHALL MAINTAIN AND RETAIN RECORDS OF TENANT APPLICATION FORMS, AND OTHER PERTINENT DATA AND RECORDS**

**REQUIRED UNDER THIS ARTICLE, FOR A MINIMUM OF ONE YEAR FROM THE DATE OF APPLICATION, AND SHALL ALLOW THE ADMINISTERING OR ENFORCING AGENCIES ACCESS TO SUCH RECORDS, WITH APPROPRIATE NOTICE AND AT A MUTUALLY AGREEABLE TIME, TO MONITOR OR VERIFY COMPLIANCE WITH THE REQUIREMENTS OF THIS ARTICLE.**

**(B) AT NO TIME SHALL THE ADMINISTERING OR ENFORCING AGENCIES REQUIRE A HOUSING PROVIDER TO PROVIDE THE DISCLOSURE OF ANY INFORMATION OR DOCUMENTS, WHICH WOULD VIOLATE STATE OR FEDERAL LAW, OR THIS CODE.**

**(C) WHERE A HOUSING PROVIDER DOES NOT MAINTAIN OR PROVIDE ADEQUATE RECORDS DOCUMENTING COMPLIANCE WITH THIS ARTICLE OR DOES NOT ALLOW REASONABLE ACCESS TO SUCH RECORDS, THE OFFICE OF THE CHIEF FINANCIAL OFFICER OR OTHER CITY DEPARTMENT OR AGENCY SHALL HAVE THE AUTHORITY TO PROVIDE ALL NON-FINANCIAL INFORMATION NECESSARY TO FULFILL THE ADMINISTERING OR ENFORCING AGENCIES RESPONSIBILITIES UNDER THIS ARTICLE SUBJECT TO CONFIDENTIALITY PROVISIONS OF THIS ARTICLE AND ALL APPLICABLE LAWS.**

**§24-123 EXERCISE OF PROTECTED RIGHTS; RETALIATION PROHIBITED.**

**(A) IT SHALL BE UNLAWFUL FOR A HOUSING PROVIDER OR ANY OTHER PERSON TO INTERFERE WITH, RESTRAIN, OR DENY THE EXERCISE OF, OR THE ATTEMPT TO EXERCISE, ANY RIGHT PROVIDED UNDER THIS ARTICLE.**

**(B) IT SHALL BE UNLAWFUL FOR A HOUSING PROVIDER TO INTERRUPT, TERMINATE, OR FAIL OR REFUSE TO INITIATE OR CONDUCT A TRANSACTION INVOLVING THE RENTAL OR LEASE OF ELIGIBLE HOUSING, INCLUDING FALSELY REPRESENTING THAT SUCH PROPERTY IS NOT AVAILABLE FOR RENTAL OR LEASE, OR OTHERWISE TAKE ADVERSE ACTION AGAINST A PERSON IN RETALIATION FOR EXERCISING RIGHTS PROTECTED UNDER THIS ARTICLE. SUCH RIGHTS INCLUDE BUT ARE NOT LIMITED TO:**

**(1) THE RIGHT TO FILE A COMPLAINT OR INFORM ANY PERSON ABOUT A HOUSING PROVIDER'S ALLEGED VIOLATION OF THIS ARTICLE;**

**(2) THE RIGHT TO INFORM THE ADMINISTERING AGENCY ABOUT A HOUSING PROVIDER'S ALLEGED VIOLATION OF THIS ARTICLE;**

**(3) THE RIGHT TO COOPERATE WITH THE ADMINISTERING OR ENFORCING AGENCIES OR OTHER PERSONS IN THE INVESTIGATION OR PROSECUTION OF ANY ALLEGED VIOLATION OF THIS ARTICLE; OR**

**(4) THE RIGHT TO INFORM ANY PERSON OF HIS OR HER RIGHTS UNDER THIS ARTICLE.**

**(C) PROTECTIONS OF THIS SECTION SHALL APPLY TO ANY PERSON WHO MISTAKENLY, BUT IN GOOD FAITH, ALLEGES VIOLATIONS OF THIS ARTICLE.**

**(D) TAKING ADVERSE ACTION AGAINST A PERSON WITHIN 90 CALENDAR DAYS OF THE EXERCISE OF ONE OR MORE OF THE RIGHTS DESCRIBED IN THIS SECTION SHALL CREATE A REBUTTABLE PRESUMPTION IN THE ADMINISTERING AGENCY'S INVESTIGATION THAT SUCH ADVERSE ACTION WAS TAKEN IN RETALIATION FOR THE EXERCISE OF THOSE RIGHTS.**

#### **§24-124 COMMUNITY OUTREACH.**

**(A) THE ADMINISTERING AGENCY MAY ESTABLISH A COMMUNITY-BASED OUTREACH PROGRAM TO CONDUCT EDUCATION AND OUTREACH TO APPLICANTS AND POTENTIAL APPLICANTS FOR HOUSING REGARDING RIGHTS AND PROCEDURES UNDER THIS ARTICLE. THE PROGRAM MAY BE TARGETED AT INDIVIDUALS OR COMMUNITIES WHERE, IN THE JUDGMENT OF THE ADMINISTERING AGENCY, THE NEED FOR EDUCATION AND OUTREACH IS GREATEST.**

**(B) IN ESTABLISHING AN OUTREACH PROGRAM PURSUANT TO SUBSECTION (A) OF THIS SECTION, THE ADMINISTERING AGENCY MAY PARTNER WITH COMMUNITY-BASED ORGANIZATIONS. NOTHING IN THIS SECTION SHALL PRECLUDE THE ADMINISTERING AGENCY, BY CONTRACT OR GRANT, AND CONSISTENT WITH OTHER PROVISIONS OF LOCAL LAWS, FROM ENGAGING THE SERVICES OF SUCH ORGANIZATIONS IN ESTABLISHING SUCH COMMUNITY-BASED OUTREACH PROGRAMS, PARTICIPATING IN SUCH PROGRAMS, OR DEVELOPING MATERIALS FOR SUCH PROGRAMS. NOTHING IN THIS SECTION SHALL PRECLUDE THE ADMINISTERING AGENCY FROM COMBINING THE OUTREACH PROGRAMS REQUIRED BY SUBSECTION (A) OF THIS SECTION WITH OTHER RELATED COMMUNITY OUTREACH PROGRAMS.**

**§24-125 CONFIDENTIALITY**

**THE CITY SHALL KEEP CONFIDENTIAL, TO THE EXTENT PERMITTED BY APPLICABLE LAWS, ANY IDENTIFYING INFORMATION OR OTHER DATA PERTAINING TO AN APPLICANT'S CRIMINAL HISTORY.**

**§24-126 IMPLEMENTATION AND ENFORCEMENT; PENALTIES**

**(A) THE ADMINISTERING AGENCY SHALL INVESTIGATE COMPLAINTS REGARDING A HOUSING PROVIDER'S ALLEGED VIOLATION OF THIS ARTICLE. THE ADMINISTRATIVE AGENCY MAY ENGAGE THIRD-PARTY ASSISTANCE TO CONDUCT ITS INVESTIGATION.**

**(1) WHERE THE DIRECTOR OF THE ADMINISTERING AGENCY DETERMINES THAT A VIOLATION HAS NOT OCCURRED, HE OR SHE SHALL ISSUE A DETERMINATION THAT A HOUSING PROVIDER IS NOT IN VIOLATION OF THIS ARTICLE. THIS DETERMINATION SHALL BE PROVIDED TO THE HOUSING PROVIDER AND THE COMPLAINANT.**

**(2) WHERE THE DIRECTOR OF THE ADMINISTERING AGENCY DETERMINES THAT A VIOLATION HAS OCCURRED, HE OR SHE SHALL ISSUE A DETERMINATION THAT A HOUSING PROVIDER IS IN VIOLATION OF THIS ARTICLE, PROVIDED, HOWEVER, FOR A FIRST VIOLATION, OR FOR ANY VIOLATION DURING THE FIRST 12 MONTHS FOLLOWING THE EFFECTIVE DATE OF THIS ARTICLE, THE DIRECTOR MUST ISSUE WARNINGS AND NOTICES TO CORRECT, AND OFFER THE HOUSING PROVIDER TECHNICAL ASSISTANCE ON HOW TO COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE. FOR A SECOND VIOLATION, THE ADMINISTERING AGENCY SHALL REFER ITS DETERMINATION FOR EACH APPLICANT TO WHOM THE VIOLATION OCCURRED, OR IS CONTINUING, TO THE ENFORCING AGENCY FOR ACTION, TO THE HOUSING PROVIDER, AND TO THE COMPLAINANT.**

**(3) WHERE THE DIRECTOR OF THE ADMINISTERING AGENCY DETERMINES THAT A VIOLATION HAS OCCURRED, HE OR SHE SHALL FORWARD A COPY OF THE DETERMINATION TO THE MICHIGAN DEPARTMENT OF CIVIL RIGHTS FOR CONSIDERATION.**

**(B) THE ADMINISTERING AGENCY IS AUTHORIZED TO TAKE APPROPRIATE STEPS TO ASSIST IN THE ENFORCEMENT OF THIS ARTICLE, INCLUDING THE INVESTIGATION OF ANY POSSIBLE VIOLATIONS OF THIS ARTICLE. THE ADMINISTERING OR ENFORCING AGENCIES SHALL NOT FIND A VIOLATION BASED ON A HOUSING**

**PROVIDER'S DECISION THAT AN APPLICANT'S CONDUCT IS A DIRECTLY-RELATED CONVICTION, AS DEFINED IN SECTION 24-116 OF THIS CODE, UNLESS THE HOUSING PROVIDER FAILED TO CONDUCT THE INDIVIDUALIZED ASSESSMENT AS REQUIRED UNDER SECTION 24-120 OF THIS CODE.**

**(C) IF MULTIPLE APPLICANTS ARE IMPACTED BY THE SAME VIOLATION AT THE SAME TIME, FOR EXAMPLE, ALL APPLICANTS FOR A CERTAIN HOUSING UNIT ARE ASKED FOR THEIR CONVICTION HISTORY ON THE INITIAL APPLICATION, EACH VIOLATION SHALL BE TREATED AS A SEPARATE VIOLATION.**

**(d) IN ACCORDANCE WITH SECTION 4I(K) OF THE MICHIGAN HOME RULE CITIES ACT, BEING MCL 117.4I(K), THE PENALTY UPON CONVICTION FOR VIOLATION OF THIS ARTICLE SHALL BE IMPRISONMENT FOR NOT MORE THAN 90 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH, FOR EACH SUCH VIOLATION, IN THE DISCRETION OF THE COURT.**

**(E) AN APPLICANT OR POTENTIAL APPLICANT MAY REPORT TO THE ADMINISTERING AGENCY ANY SUSPECTED VIOLATION OF THIS ARTICLE WITHIN 60 CALENDAR DAYS OF THE DATE THE SUSPECTED VIOLATION OCCURRED. THE CITY SHALL ENCOURAGE REPORTING PURSUANT TO THIS SUBSECTION BY KEEPING CONFIDENTIAL, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW; THE NAME AND OTHER IDENTIFYING INFORMATION OF THE APPLICANT OR POTENTIAL APPLICANT REPORTING THE VIOLATION, PROVIDED, HOWEVER, THAT WITH THE AUTHORIZATION OF SUCH PERSON, THE CITY MAY DISCLOSE HIS OR HER NAME AND IDENTIFYING INFORMATION AS NECESSARY TO ENFORCE THIS ARTICLE OR FOR OTHER APPROPRIATE PURPOSES, WHICH SHALL INCLUDE ENABLING THE HOUSING PROVIDER TO RESPOND TO THE ALLEGED VIOLATION AS PART OF AN INVESTIGATION BY THE ADMINISTERING AGENCY.**

**§24-127 IMPLEMENTATION AND ENFORCEMENT; ADMINISTRATIVE RULES AND ANNUAL REPORTING REQUIREMENTS.**

**(A) WITHIN 120 CALENDAR DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE ADMINISTERING AGENCY SHALL PROMULGATE ADMINISTRATIVE RULES PURSUANT TO SECTION 1-801 OF THE FLINT CITY CHARTER. THESE RULES SHALL INCLUDE, AT MINIMUM, PROCEDURES FOR THE FOLLOWING:**

**(1) PREPARING STANDARDIZED LANGUAGE FOR THE NOTICE IN SECTION 24-121(C) OF THIS CODE THAT HOUSING PROVIDERS MAY USE TO SATISFY THE REQUIREMENTS OF THAT SUBSECTION.**



**(2) TIMEFRAME AND PROCESS, INCLUDING NOTIFICATION, FOR THE FOLLOWING:**

**A. TO HOUSING PROVIDERS THAT A COMPLAINT HAS BEEN FILED ALLEGING VIOLATION OF THIS ARTICLE AND THAT AN INVESTIGATION WILL OCCUR;**

**B. TO PROVIDE THE HOUSING PROVIDER A RIGHT TO RESPOND TO THE ALLEGATIONS IN THE COMPLAINT;**

**C. TO OBTAIN VERIFICATION FROM THE BUILDING & SAFETY INSPECTIONS DIVISION THAT THE ELIGIBLE HOUSING IS IN COMPLIANCE WITH THE REGISTRATION OF RESIDENTIAL RENTAL PROPERTIES IN ACCORDANCE WITH SECTION 24-4, *ET SEQ.* OF THIS CODE;**

**D. TO OBTAIN VERIFICATION FROM THE BUILDING & SAFETY INSPECTIONS DIVISION THAT THE ELIGIBLE HOUSING HAS A VALID CERTIFICATE OF COMPLIANCE REQUIRED BY SECTION 24-4, *ET SEQ.* OF THIS CODE OR BY OTHER PROVISIONS OF THIS CODE;**

**E. RECEIPT AND CONSIDERATION BY THE ADMINISTERING AGENCY OF ANY RESPONSE AND SUPPORTING INFORMATION FROM A HOUSING PROVIDER REGARDING THE ALLEGED VIOLATION; AND**

**F. DISSEMINATION OF THE ADMINISTERING AGENCY'S DETERMINATION OF WHETHER AN ALLEGED VIOLATION IN THE COMPLAINT WAS SUBSTANTIATED TO THE HOUSING PROVIDER AND COMPLAINANT. IF A VIOLATION IS SUBSTANTIATED, DISSEMINATION TO THE ENFORCING AGENCY AND MICHIGAN DEPARTMENT OF CIVIL RIGHTS.**

**(B) THE ADMINISTERING AND ENFORCING AGENCIES SHALL PREPARE AND JOINTLY SUBMIT AN ANNUAL REPORT TO THE MAYOR AND CITY COUNCIL THAT INCLUDES, AT A MINIMUM, THE FOLLOWING INFORMATION FOR THE PRECEDING YEAR:**

**(1) THE NUMBER AND TYPES OF COMPLAINTS RECEIVED ALLEGING VIOLATIONS OF THIS ARTICLE;**

**(2) THE NUMBER AND TYPES OF VIOLATIONS OF THIS ARTICLE REPRESENTED BY THE NUMBER OF DETERMINATIONS ISSUED BY THE DIRECTOR OF THE ADMINISTERING AGENCY SUBSTANTIATING THE ALLEGED VIOLATIONS;**

**(3) THE NUMBER AND TYPES OF VIOLATIONS OF THIS ARTICLE REPRESENTED BY THE NUMBER OF DETERMINATIONS ISSUED BY THE DIRECTOR OF THE ADMINISTERING AGENCY WHERE THE**

**ALLEGATIONS OF VIOLATIONS OF THIS ARTICLE WERE UNSUBSTANTIATED;**

**(4) THE NUMBER AND TYPES OF DETERMINATIONS FORWARDED TO THE MICHIGAN DEPARTMENT OF CIVIL RIGHTS;**

**(5) THE NUMBER AND TYPES OF TICKETS BY THE ENFORCING AGENCY;**

**(6) DATA REGARDING THE JUDICIAL DISPOSITION OF TICKETS ISSUED BY THE ENFORCING AGENCY ITEMIZING THE NUMBER OF DISMISSALS, CONVICTIONS OR PLEA ARRANGEMENTS, INCLUDING THE PENALTIES ASSESSED; AND**

**(7) THE COSTS ASSOCIATED WITH THE IMPLEMENTATION AND ADMINISTRATION OF THIS ARTICLE.**

Sec. 2. This Ordinance shall become effective this \_\_\_\_\_ day of \_\_\_\_\_, 2024, A.D.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024, A.D.

**FOR THE CITY:**

\_\_\_\_\_  
**For the City Council**

\_\_\_\_\_  
**Sheldon A. Neeley, Mayor**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Joseph N. Kuptz, Acting City Attorney**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE FLINT CITY CODE OF ORDINANCES BY AMENDING CHAPTER 25.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

SEC. 1. AN ORDINANCE TO AMEND THE FLINT CITY CODE OF ORDINANCES BY AMENDING CHAPTER 25, COMMUNITY DEVELOPMENT, BY ADDING ARTICLE I, COMMUNITY BENEFITS AGREEMENTS, BY ADDING SECTIONS 25-1 THROUGH 25-7, WHICH SHALL READ IN THEIR ENTIRETY AS FOLLOWS:

§25-1. PURPOSE.

- (1) IT SHALL BE THE POLICY OF THE CITY OF FLINT TO REQUIRE, WHEREVER FEASIBLE, PROPORTIONAL COMMUNITY BENEFITS AS A CONDITION OF SIGNIFICANT PUBLIC SUPPORT FOR DEVELOPMENT IN THE FORM OF SUBSIDIES, TAX ABATEMENTS, BELOW-MARKET PRICED LAND, OR OTHER ENHANCED PUBLIC RESOURCES.
- (2) THIS ARTICLE SHALL BE KNOWN AS THE "CITY OF FLINT COMMUNITY BENEFITS ORDINANCE."

§25-2. DEFINITIONS.

THE FOLLOWING WORDS, TERMS, AND PHRASES WHEN USED IN THIS ARTICLE SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION, EXCEPT WHERE THE CONTEXT CLEARLY INDICATES A DIFFERENT MEANING:

COMMUNITY BENEFITS MEAN THE AMENITIES, BENEFITS, COMMITMENTS, OR PROMISES TO THE CITY OF FLINT BY A DEVELOPER, AS DISCUSSED FURTHER IN THIS ORDINANCE.

COMMUNITY BENEFITS AGREEMENT MEANS A VOLUNTARY CONTRACT NEGOTIATED AND AGREED TO BY THE CITY OF FLINT AND A DEVELOPER TO PROVIDE COMMUNITY BENEFITS IN RETURN FOR THE RECEIPT OF A PUBLIC SUPPORT.

DEPARTMENT MEANS THE CITY OF FLINT DEPARTMENT OF BUSINESS & COMMUNITY SERVICES, OR ITS SUCCESSOR DEPARTMENT.

CITYWIDE ADVISORY COUNCIL MEANS THE CITYWIDE ADVISORY COUNCIL CHARGED WITH NEGOTIATING THE COMMUNITY BENEFITS AGREEMENTS AND WILL INCLUDE TWO MEMBERS OF THE AFFECTED WARD(S).

ENFORCEMENT COMMITTEE MEANS A COMMITTEE ESTABLISHED TO MONITOR AND ENFORCE THE COMMUNITY BENEFITS AGREEMENT

**BETWEEN THE CITY OF FLINT AND THE DEVELOPER, ITS AGENTS, ASSIGNEES, OR DESIGNEES.**

**DEVELOPER MEANS ANY PERSON, FIRM, PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION, JOINT VENTURE, PROPRIETORSHIP, OR OTHER ENTITY THAT IS THE PURCHASER OR LESSEE IN THE SALE OR LEASE OF CITY-OWNED LAND, THE RECIPIENT OF A FINANCIAL INCENTIVE, OR ANY COMBINATION THEREOF, INCLUDING SUB-CONTRACTORS.**

**IMPACT AREA MEANS AN AREA DETERMINED BY THE PLANNING DIRECTOR THAT INCLUDES ALL CENSUS TRACTS OR CENSUS BLOCK GROUPS WITHIN THE AFFECTED WARD(S) IN WHICH THE PROJECT IS LOCATED.**

**PLANNING DIRECTOR MEANS THE DIRECTOR OF THE CITY OF FLINT DEPARTMENT OF BUSINESS & COMMUNITY SERVICES, OR A MEMBER OF THE PLANNING DIRECTOR'S STAFF WORKING ON BEHALF OF THE PLANNING DIRECTOR.**

**FINANCIAL INCENTIVE MEANS CASH OR NEAR-CASH ASSISTANCE PROVIDED ON THE DISCRETIONARY BASIS OF THE CITY OF FLINT TO ATTRACT OR RETAIN A PROJECT. THESE BENEFITS PRINCIPALLY ENCOMPASS TAX AND ECONOMIC INCENTIVES PROVIDED BY FEDERAL, STATE, OR LOCAL GOVERNMENTAL BODIES, AS DISCUSSED FURTHER IN SECTION 2 OF THIS ARTICLE.**

**INTERESTED PARTIES MEANS THE RESIDENTS OF THE WARD(S) IN WHICH A PROJECT IS PROPOSED TO BE LOCATED.**

**PROJECT MEANS EITHER A TIER 1 PROJECT, TIER 2 PROJECT, OR SPECIFIC PROJECT.**

**PUBLIC SUPPORT MEANS A FINANCIAL INCENTIVE OR THE SALE OR LEASE OF CITY-OWNED LAND BELOW MARKET VALUE, AS DETERMINED BY THE CITY ASSESSOR. PUBLIC SUPPORT SHALL NOT INCLUDE INCENTIVES THROUGH THE NEIGHBORHOOD ENTERPRISE ZONE ACT, PUBLIC ACT 147 OF 1992 (MCL 207.771 ET SEQ).**

**QUADRUPLE BOTTOM LINE PHILOSOPHY MEANS THE EFFECT A PROJECT MAY HAVE ON THE WELLBEING OF THE COMMUNITY IN TERMS OF CULTURAL VITALITY, SOCIAL EQUITY, ECONOMIC PROSPERITY, AND ENVIRONMENTAL SUSTAINABILITY. THIS INCLUDES THE PUBLIC SUPPORT AND COMMUNITY BENEFITS AGREED TO AS PART OF THE PROJECT.**

**REGISTERED GROUP MEANS ANY GROUP OR ORGANIZATION WITH AT LEAST ONE MEMBER THAT IS A RESIDENT OF THE CITY OF FLINT THAT FILES THEIR CONTACT INFORMATION WITH THE OFFICE OF BUSINESS AND COMMUNITY DEVELOPMENT DEPARTMENT TO RECEIVE NOTIFICATION UNDER THIS ORDINANCE. THE OFFICE OF BUSINESS AND COMMUNITY DEVELOPMENT SHALL KEEP THIS INFORMATION ON FILE. THE REGISTERED GROUP SHALL**

**BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SUBMITTED TO THE DEPARTMENT.**

**SALE OR LEASE OF CITY-OWNED LAND MEANS THE CONVEYANCE OF TITLE OF REAL PROPERTY FROM THE CITY OR OTHER PUBLIC ENTITY TO A PURCHASER OR A LEASE OF CITY OR OTHER PUBLIC PROPERTY TO A LESSEE. THE CONVEYANCE OF CITY RIGHTS-OF-WAY, CONVEYANCES UNDER THE PROPERTY DISPOSITION POLICY, AND THE CONVEYANCE OR LEASE OF PROPERTIES LESS THAN ONE-QUARTER (1/4) OF AN ACRE IN SIZE ARE NOT INCLUDED IN THIS DEFINITION.**

**TIER 1 PROJECT MEANS ANY PROJECT, DEVELOPMENT, OR REDEVELOPMENT IN WHICH THE DEVELOPER IS REQUESTING PUBLIC SUPPORT IN THE FORM OF FINANCIAL INCENTIVES OR IN THE FORM OF THE SALE OR LEASE OF CITY-OWNED LAND FOR A PROJECT OF 20 MILLION DOLLARS OR MORE.**

**(1) ANY TRANSFER TO THE DEVELOPER OF CITY-OWNED LAND PARCELS THAT HAVE A CUMULATIVE MARKET VALUE OF \$1,000,000.00 OR MORE, AS DETERMINED BY THE CITY ASSESSOR OR INDEPENDENT APPRAISAL, WITHOUT OPEN BIDDING AND PRICED BELOW MARKET RATES WHERE ALLOWED BY LAW; OR**

**(2) PROVISION OR APPROVAL BY THE CITY OF TAX ABATEMENTS OR OTHER TAX BREAKS THAT ABATE MORE THAN \$1,000,000.00 OF CITY TAXES OVER THE TERM OF THE ABATEMENT THAT INURE DIRECTLY TO THE DEVELOPER, BUT NOT INCLUDING NEIGHBORHOOD ENTERPRISE ZONE TAX ABATEMENTS.**

**TIER 2 PROJECT MEANS ANY PROJECT, DEVELOPMENT, OR REDEVELOPMENT IN WHICH THE DEVELOPER IS REQUESTING PUBLIC SUPPORT IN THE FORM OF A FINANCIAL INCENTIVES OR IN THE FORM OF THE SALE OR LEASE OF CITY-OWNED LAND FOR A PROJECT OF 1 MILLION DOLLARS OR MORE.**

**(1) ANY TRANSFER TO THE DEVELOPER OF CITY OWNED LAND PARCELS THAT HAVE A CUMULATIVE MARKET VALUE OF \$150,000.00 OR MORE, AS DETERMINED BY THE CITY ASSESSOR OR INDEPENDENT APPRAISAL, WITHOUT OPEN BIDDING AND PRICED BELOW MARKET RATES; OR**

**(2) PROVISIONS OR APPROVAL BY THE CITY OF TAX ABATEMENTS THAT ABATE MORE THAN \$150,000.00 OF CITY TAXES OVER THE TERM OF THE ABATEMENT THAT INURE DIRECTLY TO THE DEVELOPER, BUT NOT INCLUDING NEIGHBORHOOD ENTERPRISE ZONE TAX ABATEMENT.**

**TIER 3 PROJECT MEANS ANY PROJECT, DEVELOPMENT, OR REDEVELOPMENT IN WHICH THE DEVELOPER IS REQUESTING PUBLIC SUPPORT IN THE FORM OF A FINANCIAL INCENTIVES OR IN THE FORM OF THE SALE OR LEASE OF CITY-OWNED LAND FOR SPECIFIC PROJECTS BELOW 1 MILLION DOLLARS.**

**(1) ANY LAND TRANSFER TO THE DEVELOPER OF CITY OWNED LAND PARCELS THAT HAVE A CUMULATIVE MARKET VALUE OF \$25,000.00 OR MORE, AS DETERMINED BY THE CITY ASSESSOR OR INDEPENDENT APPRAISAL, WITHOUT OPEN BIDDING AND PRICED BELOW MARKET RATES; OR**

**(2) PROVISIONS OR APPROVAL BY THE CITY OF TAX ABATEMENTS THAT ABATE MORE THAN \$25,000.00 OF CITY TAXES OVER THE TERM OF THE ABATEMENT THAT INURE DIRECTLY TO THE DEVELOPER, BUT NOT INCLUDING NEIGHBORHOOD ENTERPRISE ZONE TAX ABATEMENT.**

**§25-3. COMMUNITY BENEFITS AGREEMENT REQUIRED.**

**(A) A COMMUNITY BENEFITS AGREEMENT IS REQUIRED BETWEEN THE CITY OF FLINT AND A DEVELOPER CONSISTENT WITH TIER 1, TIER 2, AND TIER3 AS DEFINED IN SECTION 50-184 PRIOR TO THE CITY COUNCIL'S FINAL APPROVAL OF PUBLIC SUPPORT. THE CITY COUNCIL MAY GRANT PRELIMINARY APPROVAL OF PUBLIC SUPPORT SUBJECT TO THE EXECUTION OF A COMMUNITY BENEFITS AGREEMENT.**

**(B) THE CITY COUNCIL MUST ACCEPT OR AMEND A FINAL COMMUNITY BENEFITS AGREEMENT WITHIN 14 DAYS AFTER PRESENTMENT TO THE CITY COUNCIL BY RESOLUTION. THE COMMUNITY BENEFITS AGREEMENT WILL TAKE EFFECT IF NO ACTION IS TAKEN BY THE CITY COUNCIL WITHIN 14 DATS.**

**(C) THE FOLLOWING MINIMUM STANDARDS SHALL BE REQUIRED OF ANY COMMUNITY BENEFITS AGREEMENT CONTRACT:**

**(1) LEGALLY ENFORCEABLE AND THE RESULT OF THE PROCEDURE SPECIFIED UNDER DIVISION 3 OF THIS ARTICLE.**

**(2) THE COMMUNITY BENEFITS PROVIDED REFLECT THE SCALE OF AND ARE IN PROPORTION TO THE PUBLIC SUPPORT APPROVED.**

**(3) IDENTIFY SPECIFIC METHODS FOR MONITORING AND COMPLIANCE WITH THE PROVISIONS OF THE COMMUNITY BENEFITS AGREEMENT.**

**(4) PROVIDE FOR ENFORCEMENT TERMS AND SPECIFIC REMEDIES UPON THE BREACH OR NONCOMPLIANCE OF A PARTY. SUCH REMEDIES MAY INCLUDE, WITHOUT LIMITATION, SPECIFIC PERFORMANCE, LIQUIDATED DAMAGES, CLAW BACKS, OR REVOCATION OR WITHDRAWAL OF PUBLIC SUPPORT.**

- (5) THE PROVISIONS OF A COMMUNITY BENEFITS AGREEMENT SHALL BE BINDING UPON ALL PARTIES, INCLUDING THEIR AGENTS, SUCCESSORS, AND ASSIGNS. AFTER APPROVAL AND EXECUTION BY THE PARTIES, COMMUNITY BENEFITS AGREEMENTS SHALL BE RECORDED AGAINST THE PROPERTY IN WHICH A PROJECT IS LOCATED AND RUN WITH THE LAND.**
- (6) WHERE POSSIBLE, PROVIDE A MEANS TO MEASURE, VALUE, AND ASSESS THE FACTORS DISCUSSED TIER 1, TIER 2, AND TIER 3 PROJECTS TO THE CITYWIDE ADVISORY COMMITTEE.**
- (7) INCLUSION OF LOCAL SMALL BUSINESSES, MINORITY-OWNED BUSINESS ENTERPRISES, WOMEN OWNED BUSINESS ENTERPRISES, AND OTHER RELEVANT BUSINESS ORGANIZATIONS IN PRE-BID MEETINGS AND CONFERENCES WITH ADVANCE NOTICE.**
- (8) COMPLIANCE OF DEVELOPER WITH ANY COMPETITIVE REQUIREMENTS, AS APPLICABLE, PROVIDED FOR IN THE CITY CODE OF ORDINANCES, STATE, OR FEDERAL LAWS.**
- (9) NO OUTSTANDING BACK TAXES, FINES, OR LIENS ARE OWED TO THE CITY.**
- (10) COMPLIANCE OF DEVELOPER WITH THE PROVISIONS CONTAINED IN CHAPTER 2, ARTICLE VI, SEC. 2-19.2 OF THE CODE OF ORDINANCES, REGARDING EMPLOYMENT DISCRIMINATION.**
- (11) PROVIDE FOR THE CLEANUP OF CONTAMINATION ON SITE, AS REQUIRED BY THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY.**
- (12) THE REQUIREMENTS OF THIS ORDINANCE MAY BE WAIVED BY RESOLUTION OF THE CITY COUNCIL UPON SUBMISSION BY EITHER THE DIRECTOR OF BUSINESS AND COMMUNITY DEVELOPMENT OR THE DEVELOPER IDENTIFYING REASONS THAT THE REQUIREMENTS OF THIS ORDINANCE ARE IMPRACTICAL OR INFEASIBLE AND IDENTIFYING HOW THE DEVELOPER WILL OTHERWISE PROVIDE COMMUNITY BENEFITS.**

**§25-4. COMMUNITY ENGAGEMENT PROCESS.**

- (1) PRIOR TO SUBMITTING TO CITY COUNCIL, A REQUEST FOR APPROVAL OF LAND TRANSFERS OR TAX ABATEMENTS RELATED TO A TIER 1, TIER 2, OR TIRE 3 PROJECTS, THE DIRECTOR OF BUSINESS AND COMMUNITY SERVICES SHALL GIVR HOLD NO FEWER THAN FIVE PUBLIC MEETINGS, UNLESS A MAJORITY OF THE CITYWIDE ADVISORY COUNCIL VOTES TO WAIVE ONE OR MORE OF THE REQUIRED**

**MEETINGS, BUT NOT LESS THAN TWO PUBLIC MEETINGS SHALL BE HELD IN ALL CIRCUMSTANCES.**

**THE DIRECTOR OF BUSINESS AND COMMUNITY SERVICES AND THE CITYWIDE ADVISORY COMMITTEE WILL DEVELOP AN APPLICATION PROCESS TO CREATE POOL OF CANDIDATES FROM THE IMPACTED AREA TO ASSIST THE CITYWIDE ADVISORY COUNCIL IN NEGOTIATING A COMMUNITY BENEFITS AGREEMENT FOR THAT PROJECT. THIS POOL WILL BECOME PART OF THE REGISTERED GROUP DEFINED IN SECTION 50-184 OF THIS ORDINANCE. THE OFFICE OF BUSINESS AND COMMUNITY DEVELOPMENT SHALL KEEP THIS INFORMATION ON FILE. THE REGISTERED GROUP SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION SUBMITTED TO THE OFFICE OF BUSINESS AND COMMUNITY DEVELOPMENT.**

- (2) THE DIRECTOR OF BUSINESS AND COMMUNITY SERVICES WILL SELECT TWO (2) RESIDENTS FROM THE POOL OF APPLICANTS FROM THE IMPACTED AREA.**
- (3) IF THE DIRECTOR OF BUSINESS AND COMMUNITY DEVELOPMENT RECEIVES LESS THAN THREE APPLICANTS, THE DIRECTOR OF BUSINESS AND COMMUNITY DEVELOPMENT MAY SEEK OUT ADDITIONAL APPLICATIONS FROM INDIVIDUALS THAT LIVE OUTSIDE THE IMPACTED AREA.**
- (4) THE TWO RESIDENTS NOMINATED BY THE DIRECTOR OF BUSINESS AND COMMUNITY DEVELOPMENT MUST BE APPROVED BY A MAJORITY OF THE CITYWIDE ADVISORY COMMITTEE.**
- (5) THE TWO RESIDENTS SELECTED WILL SERVE ON THE CITYWIDE ADVISORY COMMITTEE UNTIL THE COMPLETION OF THE PROJECT AS DETERMINED BY THE PLANNING DIRECTOR AND ADVISORY COMMITTEE.**
- (6) ALL RESIDENTS OVER THE AGE OF 18 THAT RESIDE IN THE IMPACT AREA ARE ELIGIBLE FOR NOMINATION, PROVIDED THAT, ANY PERSON WHO IS AN AGENT, EMPLOYEE, OR OFFICIAL OF THE DEVELOPER, OR AN EMPLOYEE OF A CITY DEPARTMENT OR AUTHORITY DIRECTLY INVOLVED IN THE DEVELOPMENT, MUST DISCLOSE SUCH RELATIONSHIP PRIOR TO THEIR SELECTION. IF A CONFLICT EXISTS, THE PERSON IS PROHIBITED FROM SERVING ON THE ENFORCEMENT COMMITTEE. A CONFLICT OF INTEREST FOR THIS PURPOSE MEANS ANY FINANCIAL INTEREST HELD PERSONALLY OR BY AN IMMEDIATE FAMILY MEMBER IN THE DEVELOPMENT PROJECT.**
- (7) THE CITY CLERK SHALL FORWARD NOTICE OF THE FIRST PUBLIC MEETING VIA FIRST CLASS MAIL NO LESS THAN TEN DAYS BEFORE**



**SUCH MEETING TO ALL CITY OF FLINT RESIDENTS WITHIN 300 RADIAL FEET OF THE TIER 1 PROJECT IMPACT AREA.**

- (8) ALL ACTIONS OF THE CITYWIDE ADVISORY COMMITTEE MAY BE TAKEN WITH THE CONSENT OF A MAJORITY OF CITYWIDE ADVISORY COMMITTEE MEMBERS SERVING.**
- (9) IN ADDITION TO THE MEETING REQUIREMENT IN OF THIS SECTION, THE DIRECTOR OF BUSINESS AND COMMUNITY DEVELOPMENT SHALL FACILITATE AT LEAST ONE MEETING BETWEEN THE CITYWIDE ADVISORY COMMITTEE AND THE DEVELOPER TO ALLOW THE CITYWIDE ADVISORY COMMITTEE TO LEARN MORE DETAILS ABOUT THE PROJECT AND TO PROVIDE AN OPPORTUNITY FOR THE CITYWIDE ADVISORY COMMITTEE TO MAKE DEVELOPER AWARE OF CONCERNS RAISED BY THE RESIDENTS OF THE IMPACTED AREA.**
- (10) COMMUNITY BENEFITS REPORT AND AGREEMANT: THE DIRECTOR OF BUSINESS AND COMMUNITY SERVICES SHAL PROVIDE A COMMUNITY BENEFITS REPORT TO THE CITY COUNCIL REGARDING TIER 1, TIER 2, AND TIER3 PROJECTS PRIOR TO PRIOR TO THE REQUEST FOR ANY APPROVALS RELATED TO THOSE PROJECTS.**

**THE COMMUNITY BENEFITS REPORT SHALL CONTAIN:**

- A. A DETAILED ACCOUNT OF HOW NOTICE WAS PROVIDED TO ORGANIZE THE PUBLIC MEETING.**
- B. A LIST OF THE CITYWIDE ADVISORY COUNCIL MEMBERS AND HOW THEY WERE SELECTED.**
- C. AN ITEMIZED LIST OF THE CONCERNS RAISED BY THE CITYWIDE ADVISORY COUNCIL.**
- D. A METHOD FOR ADDRESSING EACH OF THE CONCERNS RAISED BY THE CITYWIDE ADVISORY COUNCIL OR WHY A PARTICULAR CONCERN WILL NOT BE ADDRESSED; AND**
- E. A DETAILED LIST OF COMMUNITY OUTREACH STRATEGIES, INCLUSIVE OF OF A LANGUAGE ACCESS PLAN, THAT HAVE BEEN USED TO SOLICIT AND RECORD FEEDBACK.**
- F. THE DIRECTOR OF BUSINESS AND COMMUNITY SERVICES, WHERE POSSIBLE, SHALL PROVIDE A COPY OF THE COMMUNITY BENEFITS REPORT TO THE CITYWIDE ADVISORY COUNCIL PRIOR TO SUBMISSION TO THE CITY COUNCIL.**

- G. THE CITYWIDE ADVISORY COUNCIL SHALL HAVE AT LEAST ONE WEEK TO REVIEW THE COMMUNITY BENEFITS AGREEMENT PRIOR TO RECEIVING A REQUEST FROM THE CITY TO EITHER VOTE TO APPROVE OR SIGN A LETTER IN SUPPORT OF THE PROPOSED BENEFITS, PROVIDED THAT, IF A MAJORITY OF THE CITYWIDE ADVISORY COUNCIL VOTES AGAINST THE PROPOSAL, THEN ADDITIONAL TIME SHALL BE PROVIDED FOR DISCUSSION AND NEGOTIATION.**
- H. THE DIRECTOR OF BUSINESS AND COMMUNITY DEVELOPMENT SHALL WORK WITH THE CITY COUNCIL TO ASSURE THAT, TO THE MAXIMUM EXTENT POSSIBLE, ALL APPROVALS REQUIRED OF THE CITY COUNCIL MAY BE CONSIDERED SIMUTANEOUSLY AND SUBJECT TO ONE APPROVAL VOTE.**
- I. THE DIRECTOR OF BUSINESS AND COMMUNITY SERVICES SHALL WORK WITH OTHER CITY DEPARTMENTS TO FACILLITATE THAT ALL PROJECTS RECEIVE EXPEDITED CITY-REQUIRED APPROVAL.**

**§25-5. DEVELOPMENT AGREEMENT.**

**ALL DEVELOPMENT AGREEMENTS MADE BETWEEN THE DEVELOPER AND THE CITY RELATED TO THE LAND TRANSFERS OR TAX ABATEMENTS ASSOCIATED WITH A TIER 1, TIER 2, OR TIER 3 PROJECTS SHALL INCLUDE THE COMMUNITY BENEFITS PROVISION, WHICH SHALL INCLUDE:**

- (1) ENFORCEMENT MECHANISMS FOR FAILURE TO ADHERE TO COMMUNITY BENEFITS PROVISION, THAT MAY INCLUDE BUT ARE NOT LIMITED TO, CLAW BACK OF CITY-PROVIDED BENEFITS, REVOCATION OF LAND TRANSFERS OR LAND SALES, DEBARMENT PROVISIONS AND PROPORCIONATE PENALTIES AND FEES.**
- (2) THE PROCEDURE FOR COMMUNITY MEMBERS TO REPORT VIOLATIONS OF THE COMMUNITY BENEFITS PROVISION TO THE ENFORCEMENT COMMITTEE.**
- (3) THE LENGTH OF TIME THAT ANNUAL COMPLIANCE REPORTS WILL BE SUBMITTED TO THE CITYWIDE ADVISORY COMMITTEE.**
- (4) CONTINUED COMMUNITY ENGAGEMENT OR COMMUNITY MEETING REQUIREMENTS.**
- (5) THE DEVELOPER SHALL NOT BE REQUIRED TO ENTER INTO A LEGALLY BINDING AGREEMENT WITH ANY INDIVIDUAL OR ORGANIZATION OTHER THAN THE CITY FOR THE EXPRESS PURPOSE OF FULFILLING THE REQUIREMENTS OF THIS ORDINANCE OR OTHER CITY-MANDATED COMMUNITY ENGAGEMENT PROCESSES.**

**§25-6. STANDARDS.**

**THE FOLLOWING MINIMUM STANDARDS SHALL BE REQUIRED OF ANY COMMUNITY BENEFITS AGREEMENT:**

- (1) LEGALLY ENFORCEABLE AND THE RESULT OF THE PROCEDURE SPECIFIED.**
- (2) THE COMMUNITY BENEFITS PROVIDED REFLECT THE SCALE OF AND BE IN PROPORTION TO THE PUBLIC SUPPORT APPROVED.**
- (3) IDENTIFY SPECIFIC METHODS REGARDING MONITORING AND COMPLIANCE WITH THE PROVISIONS OF THE COMMUNITY BENEFITS AGREEMENT.**
- (4) PROVIDE FOR ENFORCEMENT TERMS AND SPECIFIC REMEDIES UPON THE BREACH OR NONCOMPLIANCE OF A PARTY. SUCH REMEDIES MAY INCLUDE, WITHOUT LIMITATION, SPECIFIC PERFORMANCE, LIQUIDATED DAMAGES, CLAW BACKS, OR REVOCATION OR WITHDRAWAL OF PUBLIC SUPPORT.**
- (5) THE PROVISIONS OF A COMMUNITY BENEFITS AGREEMENT SHALL BE BINDING UPON ALL PARTIES, INCLUDING THEIR AGENTS, SUCCESSORS, AND ASSIGNS. AFTER APPROVAL AND EXECUTION BY THE PARTIES, COMMUNITY BENEFITS AGREEMENTS SHALL BE RECORDED AGAINST THE PROPERTY IN WHICH A PROJECT IS LOCATED AND RUN WITH THE LAND.**
- (6) INCLUSION OF LOCAL SMALL BUSINESSES, MINORITY-OWNED BUSINESS ENTERPRISES, WOMEN OWNED BUSINESS ENTERPRISES, AND OTHER RELEVANT BUSINESS ORGANIZATIONS IN PRE-BID MEETINGS AND CONFERENCES WITH ADVANCE NOTICE.**
- (7) DEVELOPER SHALL PROMOTE THE HIRING, TRAINING AND EMPLOYABILITY OF CITY OF FLINT RESIDENTS CONSISTENT WITH THE CITY OF FLINT, STATE, AND FEDERAL LAW**
- (8) THE DEVELOPER WILL PAY WAGES CONSITENT WITH THE HOUSING AND URBAN DEVELOPMENT ACT OF 1968, AS AMENDED BY THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992 (SECTION 3) WHERE FUDIND IS DERIVED FROM THIS AGENCY BY THE CITY OF FLINT, DEVELOPER, ANY THIRD PARTY ENGAGED IN THE PROJECT.**

- (9) NO OUTSTANDING PAYMENTS, BACK TAXES, FINES, OR LIENS ARE OWED TO THE CITY OF FLINT.**
- (10) PROVIDE FOR THE CLEANUP OF CONTAMINATION ON SITE, AS REQUIRED BY THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY**

**§25-7. ENFORCEMENT.**

**AN ENFORCEMENT COMMITTEE SHALL BE ESTABLISHED TO MONITOR TIER 1, TIER 2, AND TIER 3 PROJECTS.**

**THE ENFORCEMENT COMMITTEE SHALL BE COMPRISED OF, AT MINIMUM, THE FOLLOWING FOUR INDIVIDUALS:**

- (1) THE CITY ATTORNEY FOR THE CITY OF FLINT; OR THEIR DESIGNEE.**
- (2) A REPRESENTATIVE FROM THE DEPARTMENT OF BUSINESS & COMMUNITY SERVICES.**
- (3) A REPRESENTATIVE OF THE CITYWIDE ADVISORY COUNCIL OF THE IMPACTED AREA.**
- (4) THE DIRECTOR OF BUSINESS AND COMMUNITY SERVICES WILL ACCEPT APPLICATIONS TO THE ENFORCEMENT COMMITTEE FROM ANY PERSON THAT RESIDES IN THE IMPACTED AREA TO SERVE THROUGHOUT THE DEVELOPMENT PROCESS WHO ARE PRESENT AT THE INITIAL PUBLIC MEETING.**
- (5) THE DIRECTOR OF BUSINESS AND COMMUNITY SERVICES, THE CITYWIDE ADVISORY COMMITTEE MEMBER, AND THE CITY ATTORNEY OR THEIR DESIGNEE, WILL JOINTLY SELECT ONE (1) RESIDENT FROM THE IMPACTED AREA TO SERVE ON THE ENFORCEMENT COMMITTEE.**
- (6) IN ADDITION TO THE MEMBERS OF THE ENFORCEMENT COMMITTEE AS IDENTIFIED IN THIS SECTION, THE DIRECTOR OF BUSINESS AND COMMUNITY SERVICES MAY REQUIRE THAT OTHER DEPARTMENTS PARTICIPATE IN THE ENFORCEMENT COMMITTEE AS NEEDED.**
- (7) THE ENFORCEMENT COMMITTEE SHALL PROVIDE A BIENNIAL COMPLIANCE REPORT TO THE CITY COUNCIL AND THE CITYWIDE ADVISORY COUNCIL FOR THE TIME IDENTIFIED IN THE COMMUNITY BENEFITS PROVISION.**

- (8) THE DIRECTOR OF BUSINESS AND COMMUNITY SERVICES SHALL FACILITATE AT LEAST TWO MEETINGS PER CALENDAR YEAR BETWEEN THE NEIGHBORHOOD ADVISORY COUNCIL AND THE DEVELOPER TO DISCUSS THE STATUS OF THE TIER 1, TIER 2, AND TIER 3 PROJECTS FOR THE TIME IDENTIFIED IN THE COMMUNITY BENEFITS PROVISION.
- (9) THE CITYWIDE ADVISORY COMMITTEE SHALL REVIEW ANY ALLEGATIONS OF VIOLATIONS OF THE COMMUNITY BENEFITS PROVISION PROVIDED TO IT BY THE COMMUNITY AND MAY REPORT VIOLATIONS TO THE ENFORCEMENT COMMITTEE IN WRITING.
- (10) UPON RECEIPT OF WRITTEN NOTIFICATION OF ALLEGATIONS OF VIOLATION FROM THE CITYWIDE ADVISORY COMMITTEE, THE ENFORCEMENT COMMITTEE SHALL INVESTIGATE SUCH ALLEGATIONS AND SHALL PRESENT THEIR WRITTEN FINDINGS TO THE CITYWIDE ADVISORY COMMITTEE BASED UPON THE FOLLOWING:
- (A) WHETHER THE DEVELOPER IS IN COMPLIANCE WITH THE COMMUNITY BENEFITS PROVISION.
  - (B) HOW THE COMMUNITY BENEFITS PROVISION WILL BE ENFORCED OR HOW VIOLATIONS WILL BE MITIGATED.
  - (C) THE FINDINGS OF THE ENFORCEMENT COMMITTEE SHALL BE PRESENTED TO THE NEIGHBORHOOD ADVISORY COMMITTEE NO LATER THAN 21 DAYS FROM THE DATE THE VIOLATIONS WERE REPORTED TO THE ENFORCEMENT COMMITTEE UNLESS THE NEED FOR ADDITIONAL TIME IS REPORTED TO CITY COUNCIL AND THE NEIGHBORHOOD ADVISORY COMMITTEE WITHIN THE ORIGINAL 21-DAY TIME FRAME.
- (11) **SEVERABILITY:** IF ANY CLAUSE, SENTENCE, SECTION, PARAGRAPH, OR PART OF THIS ORDINANCE, OR THE APPLICATION THEREOF TO ANY PERSON, FIRM, CORPORATION, LEGAL ENTITY, OR CIRCUMSTANCES, SHALL BE FOR ANY REASON ADJUDGED BY A COURT OR TRIBUNAL, OF COMPETENT JURISDICTION TO BE UNCONSTITUTIONAL OR INVALID, SUCH JUDGMENT SHALL NOT EFFECT, IMPAIR, OR INVALIDATE THE REMAINDER OF THIS ORDINANCE AND THE APPLICATION OF SUCH PROVISION TO OTHER PERSONS, FIRMS, CORPORATIONS, LEGAL ENTITIES, OR CIRCUMSTANCES BY SUCH JUDGMENT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, SECTION, PARAGRAPH, OR PART OF THIS ORDINANCE THEREOF DIRECTLY INVOLVED IN THE

**CASE OR CONTROVERSY IN WHICH SUCH JUDGMENT SHALL HAVE BEEN RENDERED AND TO THE PERSON, FIRM, CORPORATION, LEGAL ENTITY, OR CIRCUMSTANCES THEN AND THERE INVOLVED. IT IS HEREBY DECLARED TO BE THE LEGISLATIVE INTENT OF THIS BODY THAT THE ORDINANCE WOULD HAVE BEEN ADOPTED HAD SUCH INVALID OR UNCONSTITUTIONAL PROVISIONS HAVE NOT BEEN INCLUDED IN THIS ORDINANCE.**

**SEC. 2. THIS ORDINANCE SHALL BECOME EFFECTIVE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2024, A.D.**

**Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024, A.D.**

**FOR THE CITY:**

\_\_\_\_\_  
**For the City Clerk**

\_\_\_\_\_  
**Sheldon A. Neeley, Mayor**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Joseph N. Kuptz, Acting City Attorney**

240459-T

ORDINANCE NO. \_\_\_\_\_

An Ordinance to amend the Flint Code of Ordinances, Chapter 50, Zoning Ordinance.

**IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:**

**Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 50, Zoning Ordinance, Sections 50-23 Permitted Uses, 50-25 General Residential Zoning District Requirements, 50-30 Permitted Uses, 50-37 Permitted Uses, 50-39 Additional Criteria and Requirements for Review of Uses in Green Innovation Districts, 50-43 Permitted Uses, 50-81 Adult Foster Care and Adult Day Care, 50-90 Child Care Center, 50-111 Residential Rehabilitation Facilities, and 50-184 Definitions, which shall read in its entirety as follows:**

**SECTION 50-23 PERMITTED USES**

Article 16 Definitions shall be referred to for clarity on the uses as listed.

Allowed Uses Table.

Table 50-23 Uses: Residential Zone Districts								
	GN-1	GN-2	TN-1	TN-2	MR-1	MR-2	MR-3	Reference
<b>RESIDENTIAL</b>								
Household Living								
Single-Family Detached Dwelling	P	P	P	P	P	S		50-50
Two-Family Dwelling (duplex)	S	S	S	S	P	P		50-85
Single-Family Attached Dwelling		S		S	P	P	P	50-85
Multi-Family Dwelling (all floors)					S	P	P	50-104
Multi-Family Dwelling (above first floor)						P	P	50-104
Manufactured Housing Communities				S				50-102
Accessory Dwelling Unit	A	A	A	A	A	A		50-79
Mixed-Use						P	P	
<b>Group Living</b>								
State Licensed Residential Facility (1-6 residents)	P	P	P	P	P	P	P	
<b>FAMILY CHILD CARE HOME (1-7 CHILDREN)</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>50-90</b>
<b>GROUP CHILD CARE HOME (7-14 CHILDREN)</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>50-90</b>
Convalescent or Nursing Home					S	S	S	
Boarding House	S	S	S	S	S	S		50-112
Transitional or Emergency Shelter						S	S	50-119
Residential Rehab Center (1-6)	S	S	S	S	S			50-111
Residential Rehab Center (7-20)						S	S	50-111
Adult Foster Care Family Home (1-6)	P	P	P	P	P	P		50-84
Adult Foster Care Small Group Home (1-6)	P	P	P	P	P	P		
Adult Foster Care Small Group Home (7-12)	S	S	S	S	S	P	P	50-81
Adult Foster Care Large Group Home (13-20)					S	S	P	50-81
<b>RECREATIONAL</b>								
Community Center	P	P	P	P	P	P	S	
<b>AGRICULTURAL</b>								
Aquaculture	A	A	A	A	A			50-84

	GN-1	GN-2	TN-1	TN-2	MR-1	MR-2	MR-3	Reference
Aquaponics	A	A	A	A	A			50-84
Produce Stand	A	A	A	A	A	A	A	50-109
Farmers' Market (Temporary)						P	P	50-118
Greenhouse	A	A	A	A	A	A	A	50-98
Hoophouse	A	A		A				50-100
Hydroponics	A	A	A	A	A	A		
Apiary/Beekeeping	A	A	A	A	A	A		50-88
Chicken Keeping	A	A		A				50-89
Urban Agriculture	P	P		P				50-120
Community Garden	P	P	P	P	A	A	A	50-91
<b>INSTITUTIONAL AND CULTURAL</b>								
<b>Religious</b>								
Place of Worship	S	S	S	S	S	P		
Cemetery	P	S		S				
<b>Government and Educational</b>								
Elementary/Middle School	P	P		P	P	S	S	
High School	P	P		S	S	S	S	
College or University or Vocational Training							P	
Other Governmental Use or Facility					P	P	P	
<b>Other Institutional, and Cultural</b>								
Social Service Facility (w/o residential care)				S	S	P	P	
Civil or Charitable Organization				S	S	P	P	
Art Gallery					S	P	P	
Library		P		P	P	P	P	
Museum					S	P	P	
<b>COMMERCIAL</b>								
<b>Temporary Lodging</b>								
Bed and Breakfast		S	S	S	S	P		50-87
Hotel							S	
<b>Offices</b>								
Financial Services						P	P	
Physician or Dentist Office or Medical Clinic						P	P	
General or Professional Office						P	P	
Copying, Mailing, Courier Services, Parcel Receiving, Shipping Station						P	P	
Film Production, Photography, Radio, TV Studio						P	P	
Live/Work Unit		S				P	S	50-101
<b>Personal Service Establishments</b>								
Personal Service Establishments						P	P	
Gym or Fitness Center						P	P	





	GN-1	GN-2	TN-1	TN-2	MR-1	MR-2	MR-3	Reference
Additionally Regulated Uses								
Tattoo Establishment							ARU	50-80

## SECTION 50-25 GENERAL RESIDENTIAL ZONING DISTRICT REQUIREMENTS

D. Conversion of Non-Residential Buildings. The conversion of any non-residential building into a residential structure, or an existing residential building into a structure containing more housing units than its current use, is only permitted when the proposed structure and number of dwelling units meets the requirements of this chapter, or is otherwise approved according to the provisions of this Chapter. See Article 9: Use Regulations.

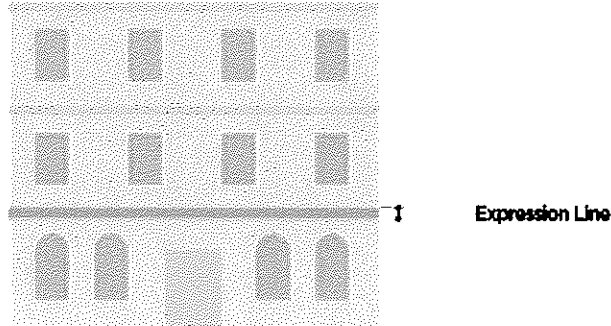
~~E. State Licensed Residential Facilities. A “state licensed residential facility,” as defined by Act 28, of the Public Acts of 1977, being MSA 5.2933(2), as amended, which provides supervision or care or both to six or less persons shall be considered a residential use of property for the purposes of this chapter. It shall be a permitted use in all residential zones, including those for single family dwellings and shall not be subject to Special Land Use or conditional use permits or procedures different from those required for other dwellings of similar density in the same zone; provided, that such uses, with the exception of “foster family homes,” as defined in Act 116 of the Public Acts of 1973, being MCLA §§ 722.111 through 722.128, and MSA §§ 25.358(11), as amended, as prohibited, within a 1,500 foot radius of each other. And provided further, that the facilities which provide the care to more than six persons and are otherwise permitted in any residential district are also prohibited within a 1,500 foot radius of each other.~~

E. F. Expression Line (EL).

1. A horizontal line on the façade known as the Expression Line (EL) shall distinguish the base of the building from the remainder to enhance the pedestrian environment. The EL shall be created by a change in material, a change in design, or by a continuous setback, recess, or projection above or below the Expression Line. Such elements as cornices, belt courses, corbelling, molding, stringcourses, ornamentation, and changes in material or color or other sculpturing of the base, are appropriate design elements for ELs.

2. If applicable, the height of the Expression Line shall be related to the prevailing scale of development in the area. A change of scale may require a transitional design element between existing and proposed features.

**Expression Line**  
*50.3.10.F*



**F. ~~G.~~ Transparency.**

**1. Applicability.**

- i. The minimum transparency requirement shall apply to all sides of a building that abut an urban open space or public right-of-way. Transparency requirements shall not apply to sides which abut an alley.
- ii. Windows for building sides (non-front) shall be concentrated toward the front edge of the building, in locations most visible from an urban open space or public right-of-way.

**2. Windows and Displays.**

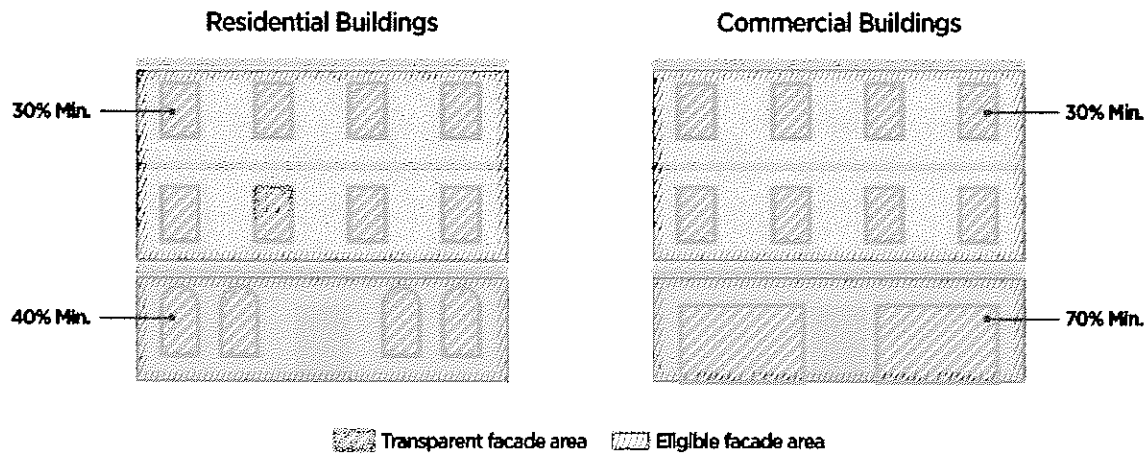
- i. Ground level storefront transparency shall be horizontally oriented overall, divided into vertical segments.
- ii. Product display windows shall be internally lit.
- iii. Interior displays shall be set back a minimum of one (1) foot from the window and shall not cover more than fifty (50) percent of the window opening.
- iv. No window covering or screening shall cover more than twenty-five (25) percent of windows or doors that are used to meet transparency requirements.

**3. Percentage of Required Transparency**

- i. Ground-floor transparency percentages must be applied between two (2) feet and eight (8) feet from the ground. The area of windows in doors may count towards the transparency percentage.
- ii. Structures in the MR-2 and MR-3 districts shall comply with Table 50-25G below with regards to the amount of transparent materials that is required for ground-floor and upper floor facades. Windows must be clear and allow views of the indoor space or display areas.

	Commercial Use	Residential Use
Ground-floor	70%	40%
Upper floors	30%	30%

### Transparency Requirements 50.3.10.G



## SECTION 50-30 PERMITTED USES

Article 16 Definitions shall be referred to for clarity on the uses as listed.

### Allowed Uses Table.

	NC	CC	DE	DC	Reference
<b>RESIDENTIAL</b>					
Household Living					
Single-Family Dwelling	S		S		50-50
Two-Family Dwelling (Duplex)	P	S	P		50-85
Single-Family Attached Dwelling	P	S	P		50-85
Multi-Family Dwelling (all floors)	P	P	P		50-104
Multi-Family Dwelling (above first floor)	P	P	P	P	50-104
Accessory Dwelling Unit	S		S		50-79
Mixed Use	P	P	P	P	
Group Living					
<b>STATE LICENSED RESIDENTIAL FACILITY (1-6 RESIDENTS)</b>	<b>P</b>	<b>S</b>	<b>P</b>	<b>S</b>	

	NC	CC	DE	DC	Reference
Convalescent or Nursing Home		S	P		
Fraternity/Sorority House			P		50-96
Transitional or Emergency Shelter	S	S	S		50-119
<b>FAMILY CHILD CARE HOME (1-7 CHILDREN)</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>50-90</b>
<b>GROUP CHILD CARE HOME (7-14 CHILDREN)</b>	<b>P</b>	<b>S</b>	<b>P</b>	<b>S</b>	<b>50-90</b>
Adult Foster Care Family Home (1-6 residents)			S		50-84
Adult Foster Care Small Group Home (1-6)			S		50-84
Adult Foster Care Small Group Home (7-12)		P	P		50-81
Adult Foster Care Large Group Home (13-20)		P	P		50-81
<b>RECREATIONAL</b>					
Community Center	P		S		
<b>AGRICULTURAL</b>					
Farmers' Market (Permanent)	P		P		
Farmers' Market (Temporary)	P	P	P	P	50-118
Produce Stand	A	S			50-109
Community Garden	A	A	A		50-91
<b>INSTITUTIONAL AND CULTURAL</b>					
<b>Religious</b>					
Place of Worship	S	P	P	S	
Cemetery		S			
<b>Government and Educational</b>					
Elementary/Middle School		S	P		
High School		S	P		
College or University or Vocational Training		S	P	P	
Other Governmental Use or Facility		P	P	P	
Other Institutional, and Cultural					
Social Service Facility	P	P	P	S	
Civil, Religious, or Charitable Organization	P	P	P	S	
Library	P	P	P	S	
Museum		S	P	S	
Art Gallery	P	P	P	P	
<b>Health</b>					
Rehabilitation Center (w/o residential care)	S	P	P	S	
Hospital or Medical Center		P	P	S	
<b>COMMERCIAL</b>					
<b>Automotive Services</b>					
Automotive Rental		P			50-122
Auto Supply/Accessory Sales	S	P			
Vehicle Repair and Services		P			50-123
Vehicle Fuel Station (without vehicle repair, may include 1,000 sq. ft. convenience-Store)	S	P	S		50-121
Vehicle Sale/ Lease (including auto, RV, boat)		P			50-122
Car Wash	S	P			
Farm Implement Sales		P			
<b>Entertainment and Hospitality</b>					
Arcade, Amusement Devices, Gaming, Pool Hall	S	P	P	S	50-94
Auditorium, Cinema, Concert Hall, Theater, Banquet Hall, Amphitheater	S	P	P	P	50-86
Adult Entertainment Uses		ARU			50-80
Bingo Hall		ARU	ARU		50-92
Bowling Alley, Skating Rink	S	P	S	S	
Casino			S		
Charity Gaming		ARU	ARU		50-92
Convention Center		P	P	P	
Dance Club, Night Club		S	S	S	50-94
Drive-In Theaters (Entertainment)		S			
Entertainment, Live (Not including ARUs)	S	P	P	P	

	NC	CC	DE	DC	Reference
Hookah Lounge, Cigar Lounge	S	P	S	S	
Sports and Entertainment Arena		S	S		
Temporary Lodging					
Bed and Breakfast			P		50-87
Motel		P			
Hotel		P	P	P	
Offices					
Financial Services	P	P	P	P	
Physician or Dentist Office or Medical Clinic	P	P	P	P	
General Professional Office	P	P	P	P	
Research Facility/Laboratory		P	S		
Copying, Mailing, Courier Services, Parcel Receiving, Shipping Station	P	P	P	P	
Film Production, Photography, Radio, TV Studio	P	P	P	P	
Live/Work Unit	P	P	P		50-101
Personal Service Establishments					
Personal Service Establishments	P	P	P	P	
Gym or Fitness center	P	P	P	P	
Animal Services Day Care (w/o overnight boarding)	P	P	P		
Kennel (w/ boarding and/or grooming)		P			
Veterinary Clinic or Hospital (with or w/o boarding)	P	P	P		
Funeral Home or Mortuary		P			
Tattoo Establishment		ARU	ARU		50-80
<b>Residential Day Care Service SERVICES</b>					
Adult Day Care or Day Services Center	P	P	PS	P	50-81
Group Day-Care Home		P	S		
Child Care Center	PS	P	P	PS	50-90
Retail and Service					
Grocery Store	P	P	P	S	
Retail Sales, General	P	P	P	P	
Retail Sales, Outdoor Nursery, Garden Center or Landscaping Supply		P			
Convenience Store (W/ or w/o liquor)	S	P	P	S	50-83
Restaurant w/Alcohol (beer, wine and/or liquor)	S	P	P	P	50-83
Restaurant w/o Alcohol	P	P	P	P	
Catering Business	P	P	S	S	
Bar, Tavern, Taproom, or Tasting Room	S	S	S	S	50-83
Brewpub	S	S	S	S	50-83
Craft Winery/distillery	S	S	S	S	50-83
Commercial Art Gallery	P	P	P	P	
Instruction Studio	P	P	P	P	
Cash Advance		S			
Liquor Store/Package Goods/Party Store		ARU	ARU		50-83/50-80
Antique, Second-Hand Store (except pawn shop)	P	P	P	P	
Pawn Shop or Pawn Broker		ARU			50-80
Firearms Sales		S			
Drive Through (all commercial uses w/drive through; includes dry cleaning)	S	A	A		
<b>INDUSTRIAL</b>					
Manufacturing and Production, Light					
Trade: Sheet Metal, Carpenter, Plumbing or Heating, Furniture Upholstering, Paint, Paper Hanging, Decorating or Sign Painting Shop, or Similar Enterprise, etc.		P			
Household Service: Dry Cleaning Facility, Household Goods or Appliance Repair Shop, etc.	S	P	S		
Pottery and Figurine making, large-scale commercial/industrial		P			

	NC	CC	DE	DC	Reference
Microbrewery/Small Distillery/Small Winery		P	P	P	
Large Brewery/Large Distillery/Large Winery		S			
Self-Storage Facility		P			50-114
Stone Monument Works		P			
Transportation					
Parking Structures		P	P		50-108
Stand Alone Parking, Surface Lots		P	S		
Transit Terminal or Station			P		
Utilities					
Electrical Substations and Private Utilities	S	S	S	S	50-93
Wireless Communication Facilities – Collocated on Existing Towers	P	P	P	P	50-126
Small-Scale Solar Energy Production	A	A	A	A	50-117
Large-Scale Solar Energy Production		A	A		50-116
Small-Scale Wind Energy Production	A	A	A	A	50-125
Additionally Regulated Uses					
Liquor/Package Goods/Party Store	ARU				50-80/50-83

## SECTION 50-37 PERMITTED USES

Article 16 Definitions shall be referred to for clarity on the uses as listed.

### Allowed Uses Table.

	CE	GI-2	PC	Reference
<b>RESIDENTIAL</b>				
Household Living				
Single-Family Detached Dwelling				50-59
Multi-Family Dwelling	S			50-104
Accessory Dwelling Unit				
Mixed Use	P			
Group Living				
Convalescent or Nursing Home	S			
<b>FAMILY CHILD CARE HOME (1-7 CHILDREN)</b>	P	S		<b>50-90</b>
<b>GROUP CHILD CARE HOME (7-14 CHILDREN)</b>		S		<b>50-90</b>
Adult Foster Care Small Group Home (7-12 residents)	S	S		50-81
Adult Foster Care Large Group Home (13-20)	S	S		50-81
Community Center				
Park				
Public-Owned Park	P	P	P	
<b>AGRICULTURAL</b>				
Aquaculture				50-84
Aquaponics	S	P	P	50-84
Farmers Market (Temporary)	P			50-118
Produce Stand				
Greenhouse	A	P		50-98
Hoophouse	S	P		50-100

	CE	GI-2	PC	Reference
Hydroponics	S	P	P	
Apiary/Beekeeping		P		50-88
Commercial Composting		P	P	
Orchard (11 or more trees)		P		
Urban Agriculture		P		50-120
Community Garden	A			50-91
<b>INSTITUTIONAL AND CULTURAL</b>				
<b>Religious</b>				
Place of Worship	S			
Cemetery	S			
<b>Government and Educational</b>				
Elementary/Middle School	S			
High School	S	S		
College or University or vocational training	P	S		
Other Governmental Use or Facility	P			
<b>Other Institutional, and Cultural</b>				
Social Service Facility (w/o residential care)	P			
Civil, Religious, or Charitable Organization	P			
<b>Health</b>				
Rehabilitation Center (w/o residential care)	P			
Hospital or Medical Center	P			
<b>COMMERCIAL</b>				
<b>Automotive Services</b>				
Automotive Rental	P		P	50-122
Auto Supply/Accessory Sales	P		P	
Vehicle Repair and Services	P		P	50-123
Vehicle Fuel Station (without vehicle repair, may include 1,000 sq. ft. convenience-Store)	P		P	50-121
Vehicle Sale/ Lease (including auto, RV, boat)	P		P	50-122
Vehicle Salvage and Wrecking Operations			P	50-103
Vehicle Towing and Storage (including auto, RV, boat)	S		P	
Car Wash	P		P	
Farm Implement Sales	P		P	
<b>Entertainment and Hospitality</b>				
Adult Entertainment Uses	ARU		ARU	50-80
Arcade, Amusement Devices, Gaming, Billiards Hall	P			50-94
Auditorium, Cinema, Concert Hall, Theater, Banquet Hall, Amphitheater	P			50-86
Bingo Hall	ARU			5080
Bowling Alley, Skating Rink	P			50-94
Casino	S		S	
Charity Gaming	ARU			50-80
Convention Center	P		S	
Dance Club, Night Club	S			50-94
Drive-In Theaters	P			
Entertainment, Live (Not including ARUs)	P			
Hookah Lounge, Cigar Lounge	S			
Sports and Entertainment Arena	S			
<b>Lodging</b>				
Motel	P			
Hotel	P		S	
<b>Offices</b>				
Financial Services	P		S	



	CE	GI-2	PC	Reference
Physician or Dentist Office or Medical Clinic	P			
General Professional Office	P			
Research Facility/ Laboratory	P	S	P	
Copying, Mailing, Courier Services, Parcel Receiving, Shipping Station	P		P	
Film Production, Photography, Radio, TV Studio	P		P	
Live/Work Unit	S			50-101
<b>Personal Service Establishments</b>				
Personal Service Establishments	P			
Animal Day Care (w/o boarding)	P			
Kennel (w/ boarding and/or grooming)	P			
Veterinary Clinic or Hospital (with or w/o boarding)	P			
Funeral Home or Mortuary	P			
Crematory			P	
Gym or Fitness Center	P			
Tattoo Establishment	ARU			50-80
<b>Residential DAY CARE Service SERVICES</b>				
Adult Day Care or Day Services Center	P	S	S	50-81
Group Day Care Home	P			
Child Care Center	P	S	S	50-90
<b>Retail and Service</b>				
Retail Sales, General	P			
Grocery Store	P		S	
Non-food Retail Sales, General (w/o alcohol)	P		S	
Convenience Store	P			50-83
Retail Sales, Outdoor Nursery, Garden Center or Landscaping Supply	P	P	P	
Restaurant w/Alcohol (beer, wine and/or liquor)	S			50-83
Restaurant w/o Alcohol	S			
Catering Business	P			
Bar, Tavern, Taproom, or Tasting Room	S			50-83
Brewpub	S			50-83
Craft Winery/Distillery	S			50-83
Commercial Art Gallery	S			
Instruction Studio	S			
Cash Advance	S			
Antique, Second-Hand Store (except pawn shop)	P			
Liquor/Package Goods/Party Store	ARU			50-80/ 50-83
Limited Wholesale	P	S	P	
Wholesale Business	P	S	P	
Pawn Shop or Pawn Broker	ARU		ARU	50-80
Fire Arms Sales	S		S	
Drive Through (all commercial uses w/drive through; includes dry cleaning)	A		A	50-92
<b>INDUSTRIAL</b>				
<b>Manufacturing and Production, Light</b>				
Trade: Sheet Metal, Carpenter, Plumbing or Heating, Furniture Upholstering, Paint, Paper Hanging, Decorating or Sign Painting Shop, or Similar Enterprise, etc.	P		P	
Household Service: Dying and Dry Cleaning Facility, Household Goods or Appliance Repair Shop, etc.	P		P	
Assembly, Manufacturing, or Production of food, textile products, technology, wood products, furniture and fixtures, paper, clay, glass or fabricated metal	S	S	P	
Canning and Bottling Works	S		P	
Food Products	S	S	P	

	CE	GI-2	PC	Reference
Production of Pharmaceuticals	S		P	
Products from Previously Prepared Materials	S	S	P	50-103
Pottery and Figurine making, large-scale commercial	P		P	
Welding Shops and Other Metal Working Machine Shops	S		P	
Ice Manufacturing	S		P	
Warehousing, Storage	P	A	P	
Microbrewery/Small Distillery/Small Winery	P		S	
Large Brewery/Large Distillery/Large Winery	S		S	
Self-Storage Facility	P		P	50-114
Stone Monument Works	P		P	
Building Materials Sales Yards	S		P	
Contractors Yards and Similar Establishments	S		P	
<b>Manufacturing and Production, Heavy</b>				
Automotive and Parts Manufacturing	S		P	
Bulk Stations			P	
Coal, Coke and Wood Yards			S	
Other Storage and Equipment Yards			P	
Materials Salvage, Recycling and Processing			P	50-103
Commercial Laundry, Dry Cleaning Processing, Drug and Lab Disposal			S	
High Emissions Manufacturing (i.e. Acid, Asbestos, Brewing and Distilling, Flour or Forge Grain Mill, Meat Packing, etc.)			S	
Foundry			P	
<b>Transportation</b>				
Airports			P	
Railroad Yard and Major Freight Station	S		P	
Freight Terminal	S		P	
Parking Structures	P		P	50-108
Stand Alone Parking, Surface Lots	P		P	
Transit Terminal or Station	P		S	
<b>Utilities</b>				
Electrical Substations and Private Utilities	S	S	S	50-93
Wireless Communication Facilities – Collocated on Existing Tower	P	P	P	50-126
Wireless Communication Facilities – New Towers and Facilities	S		S	50-126
Large-scale Solar Energy Production	S	P	S	50-116
Small-scale Solar Energy Production	A	A	A	50-117
Large-scale Wind Energy Production		P	S	50-124
Small-Scale Wind Energy Production	A	A	A	50-125
<b>Additionally Regulated Uses</b>				
Medical Marijuana Dispensaries/Provisioning Centers	ARU	ARU	ARU	50-80.1
Commercial Medical Marijuana "Growing" Facility	ARU	ARU	ARU	50-80.1
Commercial Medical Marijuana Processing Facility	ARU	ARU	ARU	50-80.1
Commercial Medical Marijuana Safety Compliance Facility	ARU	ARU	ARU	50-80.1

**SECTION 50-39 ADDITIONAL CRITERIA AND REQUIREMENTS FOR REVIEW OF USES IN GREEN INNOVATION DISTRICTS**

B. Narrative for Location within District. Uses must demonstrate their appropriateness for the GI district instead of other districts within the community. Along with any necessary application materials outlined by Article 17 of this chapter, the applicant must include a narrative detailing how the development meets the following requirements.

1. The applicant must describe how the use may be classified in one or more of the following green business areas:
  - i. Agriculture and Natural Resources Conservation
  - ii. Education and Compliance
  - iii. Energy and Resource Efficiency
  - iv. Greenhouse Gas Reduction, Environmental Management, and Recycling
  - v. Renewable Energy
2. The applicant must describe how the development will not adversely affect adjacent residential or less intensive uses.

C. Additional Landscaping. Any non-residential use in a GI-1 district sharing a lot line with a residential use shall provide at least a Type-2 Transition Yard (see section ~~50-13.09~~ **50-157**) along the shared line(s). This Transition Yard may be incorporated as part of a required setback provided the setback is larger than the Transition Yard. If the specific use requires a more specific or intense level of landscaping/buffering those regulations shall apply.

**SECTION 50-43 PERMITTED USES**

Article 16 Definitions shall be referred to for clarity on the uses as listed.

Allowed Use Table.

Table 50-43 Uses: Institutional Zoning Districts				
	IC	UC	GI-1	Reference
<b>RESIDENTIAL</b>				
<b>Household Living</b>				
Single-Family Detached Dwelling		S	P	50-50
Two-Family Dwelling (duplex)		P		50-85
Single-Family Attached Dwelling		P		5085
Multi-Family Dwelling (all floors)		P		50-104
Multi-Family Dwelling (above ground floor)	S	P		50-104
Accessory Dwelling Unit		A	A	5079
Mixed Use, Residential	S	P		
<b>Group Living</b>				
State Licensed Residential Facility (1-6 RESIDENTS)		PS	P	
Fraternity/Sorority		P		50-96

**Table 50-43 Uses: Institutional Zoning Districts**

	IC	UC	GI-1	Reference
Convalescent or Nursing Home		S		
Boarding House		P		50-112
Transitional or Emergency Shelter		S		50-119
<b>FAMILY CHILD CARE HOME (1-7 CHILDREN)</b>		P	P	<b>50-90</b>
<b>GROUP CHILD CARE HOME (7-14 CHILDREN)</b>		P	P	<b>50-90</b>
Adult Foster Care Family Home (1-6 residents)		S		50-81
Adult Foster Care Small Group Home (1-6)		S		50-81
Adult Foster Care Small Group Home (7-12)		S	S	50-81
Adult Foster Care Large Group Home (13-20)		S	S	50-81
<b>RECREATIONAL</b>				
Community Center	S	S	P	
Park			P	
Public-Owned Park			P	
<b>AGRICULTURAL</b>				
Aquaculture		P	A	50-84
Aquaponics		P	S	50-84
Farmers' Market (Permanent)		P		
Farmers' Market (Temporary)	P	P		50-118
Produce Stand		A	A	5-109
Greenhouse		A	P	50-98
Hoophouse		S	P	50-100
Hydroponics		P	S	
Aplary/Beekeeping		A	P	50-88
Commercial Composting			S	
Orchard (11 or more trees)			P	
Urban Agriculture			P	50-120
Community Garden	A	A	P	50-91
<b>INSTITUTIONAL AND CULTURAL</b>				
<b>Religious</b>				
Place of Worship	S	S	S	
Cemetery			S	
<b>Government and Educational</b>				
Elementary/Middle School	P	P	S	
High School	P	P	S	
College or University	P	P	S	
Other Governmental Use or Facility	P	P		
<b>Other Institutional, and Cultural</b>				
Social Service Facility		P		
Civil, Religious, or Charitable Organization		P		
Library	P	P		
Museum	P	P		
Art Gallery	P	P		
<b>Health</b>				
Rehabilitation Center (w/o residential care)		P		
Hospital or Medical Center	S	P		
<b>COMMERCIAL</b>				
<b>Automotive Services</b>				
Auto Supply/Accessory Sales		S		
Vehicle Repair and Services		S		50-123

**Table 50-43 Uses: Institutional Zoning Districts**

	IC	UC	GI-1	Reference
Vehicle Fuel Station (without vehicle repair, may include 1,000 sq. ft. convenience-Store)		S		50-121
Car Wash		S		
<b>Entertainment and Hospitality</b>				
Arcade, Amusement Devices, Gaming, Billiards Hall	S	P		50-69
Auditorium, Cinema, Concert Hall, Theater, Banquet Hall	P	P		50-86
Bingo Hall		ARU		50-80
Bowling Alley, Skating Rink		P		50-94
Charity Gaming		ARU		50-80
Convention Center	S	S		
Dance Club, Night Club		S		50-94
Entertainment, Live (Not including ARUs)	P	P		50-94
Hookah Lounge, Cigar Lounge		S		
Sports and Entertainment Arena		S		
<b>Lodging</b>				
Bed and Breakfast		P		50-87
Hotel		P		
<b>Offices</b>				
Financial Services		P		
Physician or Dentist Office or Medical Clinic		P		
General Professional Office	S	P		
Research Facility/ Laboratory		P		
Copying, Mailing, Courier Services, Parcel Receiving, Shipping Station		P		
Film Production, Photography, Radio, TV Studio	S	P		
Live/Work Unit	S	P		50-101
<b>Personal Service Establishments</b>				
Personal Service Establishments		P		
Animal Day Care (w/o boarding)		S		
Veterinary Clinic or Hospital (with or w/o boarding)		S		
Gym or Fitness Center		P		
Funeral Home or Mortuary		S		
Tattoo Establishment		ARU		50-80
<b>Residential DAY CARE Service SERVICES</b>				
Adult Day Care or Day Services Center	P	PS	P	50-81
Group Day Care Home		S		
Child Care Center	P	P	P	50-90
<b>Retail and Service</b>				
Grocery Store		P		
Convenience Store		S		50-83
Retail Sales, General		P		
Retail Sales, Outdoor Nursery, Garden Center or Landscaping Supply			S	
Restaurant w/Alcohol (beer, wine and/or liquor)	S	S		50-83
Restaurant w/o Alcohol	S	P		
Catering Business	S	P		
Bar, Tavern, Taproom, or Tasting Room	S	S		50-83
Brewpub	S	S		50-83
Craft Winery/Distillery	S	S		50-83
Commercial Art Gallery	S	P		
Instruction Studio	S	P		
Antique, Second-Hand Store (except pawn shop)		P		

**Table 50-43 Uses: Institutional Zoning Districts**

	IC	UC	GI-1	Reference
Drive-Through (all commercial uses w/drive through; includes dry cleaning)		A		
<b>INDUSTRIAL</b>				
<b>Manufacturing and Production, Light</b>				
Trade: Sheet Metal, Carpenter, Plumbing or Heating, Furniture Upholstering, Paint, Paper Hanging, Decorating or Sign Painting Shop, or Similar Enterprise, etc.		S		
Assembly, Manufacturing, or Production of textile products, technology, wood products, furniture and fixtures, paper, clay, glass or fabricated metal		S		
Food Products			S	
Household Service: Laundry, Dying and Dry Cleaning Facility, Household Goods or Appliance Repair Shop, etc.		S		
Pottery and Figurine making, large-scale commercial/industrial		P		
Automotive and Parts Manufacturing		S		
Welding Shops and Other Metal Working Machine Shops		S		
Green Economy Light Industrial Uses			S	
Microbrewery/Small Distillery/Small Winery	P	P		
Large brewery/Large Distillery/Large Winery		S		
<b>Transportation</b>				
Parking Structures	S	S		50-108
Stand Alone Parking, Surface Lots		S		
Transit Terminal or Station		S		
<b>Utilities</b>				
Electrical Substations and Private Utilities	S	S	S	50-93
Wireless Communication Facilities – Collocated on Existing Towers	P	P	P	50126
Small-Scale Solar Energy Production	A	A	A	50-117
Large Scale Solar Energy	A	A	P	
Small-Scale Wind Energy Production	A	A	A	50-125
Large Scale Wind Energy	A	A	S	

**SECTION 50-81 ADULT FOSTER CARE AND ADULT DAY CARE**

- E. Adult Day Care Homes. An adult day care home shall be registered and licensed as required for group day care homes under the Child Care Organizations Act, Act 116 of the Public Acts of 1973, MCL 722.11 et seq., as amended.
- F. **ADULT FOSTER CARE SMALL GROUP HOMES AND ADULT FOSTER CARE LARGE GROUP HOMES, WHEN PROPOSED WITHIN ONE-THOUSAND (1,000) FEET OF ANOTHER ADULT FOSTER CARE SMALL GROUP HOME OR ADULT FOSTER CARE LARGE GROUP HOME, GROUP CHILD CARE HOME, A FACILITY OFFERING SUBSTANCE USE DISORDER SERVICES TO SEVEN (7) OR MORE INDIVIDUALS, A FACILITY THAT HOUSES AN INMATE POPULATION UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS, OR ANY OTHER RESIDENTIAL FACILITY OFFERING SERVICES TO SEVEN (7) OR MORE INDIVIDUALS, MAY ONLY BE PERMITTED AFTER RECEIVING A PLANNING COMMISSION WAIVER TO ENSURE SUCH**

**USE WILL NOT RESULT IN AN EXCESSIVE CONCENTRATION OF SUCH FACILITIES IN A SINGLE NEIGHBORHOOD OR IN THE CITY OVERALL.**

**SECTION 50-90 CHILD CARE ~~CENTER~~ CENTERS AND RESIDENTIAL CHILD CARE**

**A. CHILD CARE CENTERS**

1. ~~A:~~ State regulations. Must meet all State licensing requirements.
2. ~~B:~~ Outdoor Play Area. There shall be sufficient on-site outdoor play area to meet State regulations. All required outdoor play areas shall be fenced with a minimum of four (4) foot high fence. Where located in the front yard, the fence shall be a decorative metal fence.
3. ~~C:~~ Pick Up and Drop Off Area. An on-site drive shall be provided for drop off and pick up of children near the entrance. This drive shall not create a hazard to traffic flow on the public street or create obstructions to pedestrian movements on sidewalks.
4. ~~D:~~ Accessory to Institutional Use. A child care center may be permitted as an accessory use to an institutional use, such as a church, subject to satisfying all of the necessary requirements listed in this Article.
5. **FORMER NON-RESIDENTIAL BUILDING. A CHILD CARE CENTER MAY BE REVIEWED UNDER SPECIAL LAND USE PROCEDURES, SUBJECT TO SATISFYING ALL OF THE NECESSARY REQUIREMENTS LISTED IN THIS ARTICLE, WHEN THE USE WILL BE LOCATED WITHIN AN EXISTING BUILDING OF A NON-RESIDENTIAL NATURE IN A RESIDENTIAL ZONE DISTRICT.**

**B. RESIDENTIAL CHILD CARE**

1. **GROUP CHILD CARE HOME USES, WHEN PROPOSED WITHIN ONE-THOUSAND (1,000) FEET OF ANOTHER GROUP CHILD CARE HOME, ADULT FOSTER CARE SMALL GROUP HOME OR ADULT FOSTER CARE LARGE GROUP HOME, A FACILITY OFFERING SUBSTANCE USE DISORDER SERVICES TO SEVEN (7) OR MORE INDIVIDUALS, A FACILITY THAT HOUSES AN INMATE POPULATION UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS, OR ANY OTHER RESIDENTIAL FACILITY OFFERING SERVICES TO SEVEN (7) OR MORE INDIVIDUALS, MAY ONLY BE PERMITTED AFTER RECEIVING A PLANNING COMMISSION WAIVER TO ENSURE SUCH USE WILL NOT RESULT IN AN EXCESSIVE CONCENTRATION OF SUCH FACILITIES IN A SINGLE NEIGHBORHOOD OR IN THE CITY OVERALL.**

2. **THE BUFFER DISTANCE 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, AS IS CONSISTENT WITH THE MICHIGAN ZONING ENABLING ACT, P.A. 110 OF 2006, AS AMENDED, M.C.L. 125.3101 ET SEQ.**
3. **FAMILY CHILD CARE HOMES WHICH HAVE BEEN APPROVED BY THE STATE TO CARE FOR AN ADDITIONAL CHILD, FROM A MAXIMUM OF SIX (6) TO SEVEN (7) CHILDREN, ARE NOT INCLUDED WITHIN THE BUFFER DISTANCE REQUIREMENTS FOR GROUP CHILD CARE HOMES.**

### **SECTION 50-111 RESIDENTIAL REHABILITATION FACILITIES**

~~A. Residential rehabilitation facilities of one to six residents are allowed as a special land use in the GN-1, GN-2, TN-1, and MR-1 districts. Facilities of seven to twenty residents are allowed as a special land use in the MR-2 and MR-3 districts.~~

- A. ~~B.~~ Any residential rehabilitation facility having more than seven (7) but not more than twenty (20) adults shall be located at least one thousand five hundred (1,500) feet from any other residential rehabilitation facility, transitional or emergency shelter, single room occupancy dwelling, **GROUP CHILD CARE HOME**, or small or large adult foster care facility, **MAY ONLY BE PERMITTED AFTER RECEIVING A PLANNING COMMISSION WAIVER TO ENSURE SUCH USE WILL NOT RESULT IN AN EXCESSIVE CONCENTRATION OF SUCH FACILITIES IN A SINGLE NEIGHBORHOOD OR IN THE CITY OVERALL.** The facility shall comply with all State of Michigan requirements, as applicable.
- B. ~~C.~~ Any residential rehabilitation facility must have one parking space per employee available.

### **SECTION 50-184 DEFINITIONS**

Family -

- an individual or group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than two additional unrelated persons who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit.
- a collective number of individuals domiciled together in one dwelling unit having a demonstrable and recognizable bond characteristic of a cohesive unit, whose relationship is of a continuing nontransient domestic character and who live together as a functional family in a single nonprofit housekeeping unit; this definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, or organization.



- no more than five unrelated individuals living in a dwelling unit.

~~Family day care home—See Child Care Home, Family.~~

FEMA - U.S. Federal Emergency Management Agency, including any successor agency.

## **SECTION 50-184 DEFINITIONS**

Ground floor establishment - a building or portion thereof under separate ownership, lease, or management, which fronts on and has access to a street

~~Group day care home—See Child Care Home, Group.~~

**GROUP CARE – NON-RESIDENTIAL OCCUPANCY OF A STRUCTURE WHERE CARE IS PROVIDED TO INDIVIDUALS; TYPICAL USES INCLUDE ADULT DAY CARE OR DAY CARE SERVICES AND CHILD CARE CENTERS.**

- **ADULT DAY CARE OR DAY SERVICES CENTER – A FACILITY THAT PROVIDES SOCIAL OR RECREATIONAL PROGRAMS, HEALTH SERVICES, SUPERVISION, OR OTHER CARE FOR FUNCTIONALLY OR COGNITIVELY IMPAIRED ADULTS PRINCIPALLY.**
- **CHILD CARE CENTER – A FACILITY, OTHER THAN A PRIVATE RESIDENCE, RECEIVING ONE OR MORE PRESCHOOL OR SCHOOL AGE CHILDREN FOR CARE FOR PERIODS LESS THAN 24 HOURS A DAY, AND WHERE THE PARENTS OR GUARDIANS ARE NOT IMMEDIATELY AVAILABLE TO THE CHILD; THE TERM INCLUDES A FACILITY THAT PROVIDES CARE FOR NOT LESS THAN 2 CONSECUTIVE WEEKS, REGARDLESS OF THE NUMBER OF HOURS OF CARE PER DAY; THE TERM ALSO INCLUDES ANY FACILITY REFERRED TO AS A DAY CARE CENTER, DAY NURSERY, NURSERY SCHOOL, DROP-IN CENTER, AND PARENT COOPERATIVE PRESCHOOL; A CHILD CARE CENTER DOES NOT INCLUDE A SUNDAY SCHOOL, VACATION BIBLE SCHOOL, OR RELIGIOUS INSTRUCTIONAL CLASS OPERATED BY A RELIGIOUS ORGANIZATION WHERE CHILDREN ARE IN ATTENDANCE FOR NOT GREATER THAN 3 HOURS PER DAY FOR AN INDEFINITE PERIOD OR NOT GREATER THAN 8 HOURS PER DAY FOR LESS THAN ONE MONTH PER YEAR.**

Group living - residential occupancy of a dwelling unit by other than a household and providing communal facilities; typical uses include adult foster care facilities, assisted living facilities, nursing homes, and transitional shelters.

State regulated group living

- Adult foster care facility - a facility for the care of adults over 18 years of age, as licensed and regulated by the state of Michigan; it includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who

require supervision on an ongoing basis but who do not require continuous nursing care; it does not include nursing homes, assisted living facilities, hospitals, alcohol or substance abuse rehabilitation centers, or residential centers for persons released from or assigned to a correctional facility; the organizations shall be defined as follows:

- Adult foster care family home - a state licensed residential facility in a private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence.
- Adult foster care large group home - an adult foster care facility with the approved capacity to receive thirteen (13) to twenty (20) adults, excluding licensee and staff, to be provided with foster care.
- Adult foster care small group home - an adult foster care facility with the approved capacity of not more than twelve (12) adults, excluding licensee and staff, who are provided with foster care.
- ~~Child care center~~ - a facility, other than a private residence, receiving one or more preschool or school age children for care for periods less than 24 hours a day, and where the parents or guardians are not immediately available to the child; the term includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day; the term also includes any facility referred to as a day care center, day nursery, nursery school, drop-in center, and parent cooperative preschool; a child care center does not include a Sunday school, vacation bible school, or religious instructional class operated by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period or not greater than 8 hours per day for less than one month per year.
- **FAMILY CHILD CARE HOME** ~~Child care home, family~~ - a private home in which one (1) to ~~six (6)~~ **SEVEN (7)** minor children receive care and supervision. Children related to an adult member of the family by blood, marriage or adoption are not counted in the number of children allowed. The term includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. **IF A LICENSEE OF A FAMILY CHILDCARE HOME IS APPROVED BY THE STATE TO PROVIDE CARE FOR UP TO (7) MINOR CHILDREN, THE USE IS STILL RECOGNIZED AS A STATE LICENSED RESIDENTIAL FACILITY AS DEFINED IN THIS CHAPTER.**
- **GROUP CHILD CARE HOME** ~~Child care home, group~~ - a private home in which seven (7) to ~~twelve (12)~~ **FOURTEEN (14)** minor children receive care and supervision. Children related to an adult member of the family by blood, marriage or adoption are not counted in the number of children allowed. The term includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

- ~~Adult day care or day services center – a facility that provides social or recreational programs, health services, supervision, or other care for functionally or cognitively impaired adults principally.~~
- Child day care - a private home or facility in which minor children are received for care and supervision for periods of less than twenty four (24) hours a day, and where the parents are not immediately available to the child.
- Nursing home - a nursing facility that provides organized nursing care and medical treatment to 7 or more individuals suffering or recovering from illness, injury, or infirmity, including a county medical care facility, but excluding a hospital or a facility created by Act no. 152 of the Public Acts of 1985, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws.
- **RESIDENTIAL REHABILITATION FACILITY – AN ADULT RESIDENTIAL CARE FACILITY OPERATED BY A GOVERNMENT AGENCY OR PRIVATE NONPROFIT ORGANIZATION THAT PROVIDES CARE AND SUPERVISION ON A TWENTY FOUR (24) HOUR BASIS FOR THE TREATMENT OF MENTAL ILLNESS, ALCOHOL OR SUBSTANCE ABUSE, OR OTHER LONG TERM ILLNESSES ALONG WITH TEMPORARY GROUP LIVING ACCOMMODATIONS; ALSO INCLUDES “HALF-WAY HOUSES” FOR EX-PRISONERS MAKING THE ADJUSTMENT FROM PRISON/JAIL TO SELF-SUFFICIENCY.**

#### Other group living

- Assisted living facility - a combination of housing, supportive services, personalized assistance or health care designed to respond to the individual needs of persons, typically the frail elderly, who need help with activities of daily living; such facilities may include a central or private kitchen, dining, recreational or other facilities, with separate bedrooms or living quarters.
- Fraternity/sorority - a structure operated by a chartered fraternity or sorority organization authorized by a university or college or operated directly by a college or university and used as a residence and/or a dining and recreational facility for members of fraternity or sorority organizations who are students at the authorizing university or college.
- Rooming or boarding house – an owner occupied home with not more than four bedrooms for rent and no independent cooking facilities in the rooms.
- Transitional or emergency shelter - a residential facility operated by a government agency or private nonprofit organization that provides temporary accommodations and on-site management for homeless persons or families, or other persons requiring interim housing arrangements.

Habitable floor - any floor usable for living purposes, which include working, sleeping, eating, cooking or recreation, or a combination thereof; a floor used only for storage purposes is not a "habitable floor".

Health care facility - any facility or institution that provides mental or physical health care services, including diagnosis, treatment, rehabilitation, or preventive care, and that allows overnight stays.

- Hospital - a facility providing medical, psychiatric or surgical services for sick or injured persons primarily on an inpatient basis, including ancillary facilities for outpatient and emergency treatment, diagnostic services, training, research and administration, and services to patients, employees or visitors.
- Urgent care facility - category of walk-in clinic focused on the delivery of ambulatory care in a dedicated medical facility outside of a traditional emergency room. Urgent care facilities primarily treat injuries or illnesses requiring immediate care, but not serious enough to require an ER visit.
- Clinic - an establishment providing medical, dental, psychiatric or surgical treatment exclusively on an out-patient basis, with no overnight stays; clinics may provide examinations, diagnostic services and medical treatment.
- ~~Residential rehabilitation facility - an adult residential care facility operated by a government agency or private nonprofit organization that provides care and supervision on a twenty four (24) hour basis for the treatment of mental illness, alcohol or substance abuse, or other long term illnesses along with temporary group living accommodations; also includes "half way houses" for ex-prisoners making the adjustment from prison/jail to self-sufficiency.~~

Height, building - see building height.

## SECTION 50-184 DEFINITIONS

Special land use - a land use of a lot, building or structure that could negatively affect the health, safety, convenience, and general welfare of users of nearby properties and the community as a whole; special land use requests shall be reviewed by the planning commission and appropriate conditions of approval considered per the standards established in this Chapter.

~~State Licensed Residential Facility - a structure for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer individuals under 24-hour supervision or care.~~ A "STATE LICENSED RESIDENTIAL FACILITY" MEANS A STRUCTURE CONSTRUCTED FOR RESIDENTIAL PURPOSES THAT IS LICENSED BY THE STATE UNDER THE ADULT FOSTER CARE FACILITY LICENSING ACT, 1979 PA 218, MCL 400.701 TO 400.737, OR 1973 PA 116, MCL 722.111 TO 722.128, AND PROVIDES RESIDENTIAL SERVICES FOR 6 OR FEWER INDIVIDUALS UNDER 24-HOUR SUPERVISION OR CARE.

Stoop - an open platform or entrance landing, usually with steps from grade to the door, and may or may not be sheltered by an awning or canopy; a stoop is generally small in size and used primarily for entry and exit from a door; a deck shall not be considered a stoop.

**Sec. 2. This ordinance shall become effective seven (7) days after publication in a newspaper of general circulation in the City of Flint by Zoning Division staff, to be noticed no later than fifteen (15) days after adoption by City Council.**

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

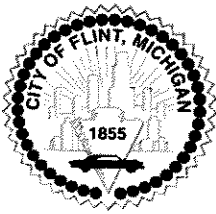
**FOR THE CITY:**

\_\_\_\_\_  
**For the City Council**

\_\_\_\_\_  
**Sheldon A. Neeley, Mayor**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**Joseph Kuptz, Acting City Attorney**



# CITY OF FLINT STAFF REVIEW FORM

Revised July 2, 2024

**TODAY'S DATE:** September 30<sup>th</sup>, 2024

**BID/PROPOSAL#** N/A

**AGENDA ITEM TITLE:** TXT 24-01: Zoning Ordinance Amendments – Child Care and Group Living

**PREPARED BY:** Emily Doerr, Director, Department of Business and Community Services

**VENDOR NAME:** N/A

## **Section I: BACKGROUND/SUMMARY OF PROPOSED ACTION:**

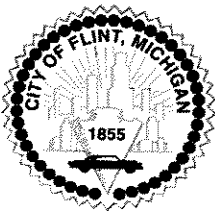
The City of Flint Planning Commission held a public hearing over three separate days to discuss amendments to Chapter 50, Articles 3, 4, 5, 6, 9, and 16. The proposed amendments are designed to align residential child care uses with State law; simplify the process of applying for a child care or group living use; provide Planning Commission oversight of child care and group living uses with seven (7) or more children/residents when they would be located within 1,000 feet of each other; provide clear language for repurposing non-residential structures for child care centers; and reduce the barriers, time, and cost currently associated with applying for a child care or group living use. Additional changes better clarify definitions for uses and corrects a section reference in Article 5.

## **Section II. PREVIOUS ALLOCATIONS (INCLUDE ALL ACCOUNTS USED FOR THIS PURPOSE)/ PROVIDE RESOLUTION OR CONTRACT INFORMATION THAT APPLIES**

N/A

## **Section III. POSSIBLE BENEFIT TO THE CITY OF FLINT (RESIDENTS AND/OR CITY OPERATIONS) INCLUDE PARTNERSHIPS AND COLLABORATIONS:**

The benefit will be to City of Flint residents looking to apply for residential child care uses within their homes, child care centers in non-residential buildings, and other group living uses which are not restricted from local regulation by State law. Residents should expect to see quicker response times, less fees, and less time spent seeking Special Land Use approvals for low intensity uses.



# CITY OF FLINT STAFF REVIEW FORM

Revised July 2, 2024

### Section IV: FINANCIAL IMPLICATIONS:

N/A

BUDGETED EXPENDITURE? YES  NO  IF NO, PLEASE EXPLAIN: N/A

Dept.	Name of Account	Account Number	Grant Code	Amount
<b>FY25 GRAND TOTAL</b>				

PRE-ENCUMBERED? YES  NO  REQUISITION NO:

ACCOUNTING APPROVAL: \_\_\_\_\_ Date: \_\_\_\_\_

WILL YOUR DEPARTMENT NEED A CONTRACT? YES  NO

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: *(This will depend on the term of the bid proposal)*

BUDGET YEAR 1 N/A

BUDGET YEAR 2 N/A

BUDGET YEAR 3 N/A

OTHER IMPLICATIONS *(i.e., collective bargaining)*: N/A

STAFF RECOMMENDATION: *(PLEASE SELECT)*:  **APPROVED**  **NOT APPROVED**

DEPARTMENT HEAD SIGNATURE: \_\_\_\_\_

*Emily Doerr, Director, Department of Business and Community Services*



Sheldon A. Neeley  
Mayor

**CITY OF FLINT**  
**PLANNING COMMISSION**  
ROBERT WESLEY, CHAIRMAN

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September 25<sup>th</sup>, 2024

Councilmembers,

The City of Flint Planning Commission initiated a public hearing on April 2<sup>nd</sup>, 2024 to review and consider text amendments to the Zoning Ordinance as requested by Zoning Division staff. Over the course of three meetings the draft language was discussed, revised, and given a recommendation for approval by the Planning Commission on August 13<sup>th</sup>, 2024.

These amendments were designed to address various uses related to child and adult care standards with the ultimate goal to simplify standards, align the standards to State law and best practices, reduce the cost and time for approval to residents, and provide oversight by the Planning Commission for high intensity care uses or where environmental factors may be of concern.

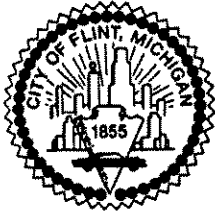
Most changes occurred in the Use Tables in Articles 3, 4, 5, and 6. Other changes include centralizing and reorganizing definitions in Article 16 and reorganizing and improving regulation language in Article 9. These amendments were informed by the Michigan Zoning Enabling Act, the Michigan Association of Planning's indicated best practices, and multiple City of Flint residents who wish to provide child care services to their community.

Sincerely,

*Max E. Lester*

Max E. Lester, Zoning Coordinator  
Zoning Division  
Department of Business and Community Services





# CITY OF FLINT

FLINT PLANNING COMMISSION  
ROBERT WESLEY, CHAIRMAN

## Memorandum

**DATE:** April 2nd, 2024  
**TO:** City of Flint Planning Commission  
**FROM:** Max Lester – Int. Zoning Coordinator

**SUBJECT:** Group Child Care Home Use Regulations and Related Reformatting

### PERTINENT ORDINANCES AND REGULATIONS:

#### *City of Flint Zoning Code*

- §50-23 Permitted Uses – Table 50-23 Residential Zone Districts
- §50-30 Permitted Uses – Table 50-30 Commercial Zone Districts
- §50-43 Permitted Uses – Table 50-43 Institutional Zone Districts

#### *Michigan Zoning Enabling Act (Act 110 of 2006)*

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

### BACKGROUND:

First, the Zoning Ordinance uses terms inconsistent with the MZEA and state licensing.

Second, a 1,500-foot buffer distance between Child Care Homes is made mandatory, which staff believes to be excessive.

Third, currently the use tables in our Zoning Ordinance identifying the “Group Day Care Home” use does not allow it as either a Permitted or Special Land Use within residential areas. Instead, the use is primarily allowed as Permitted and Special Land Uses in Commercial and Employment Zone districts, as follows:

#### **Permitted –**

- CC – City Corridor
- CE Commerce and Employment

#### **Special Land Use –**

- MR-3 – Mixed Residential High Density
- DE – Downtown Edge

Additionally, non-residential Child Care Centers are Permitted and Special Land Uses primarily in residential and Commercial Zone districts, as follows:

#### **Permitted –**

- MR-3 – Mixed Residential High Density
- CC – City Corridor
- DE – Downtown Edge
- CE – Commerce and Employment
- UC – University Core

#### **Special Land Use –**

- GN-2 – Green Neighborhood Medium Density

- TN-1 – Traditional Neighborhood Low Density
- TN-2 – Traditional Neighborhood Medium Density
- MR-1 – Mixed Residential Low Density
- MR-2 – Mixed Residential Medium Density
- NC – Neighborhood Center
- DC – Downtown Core

The MZEA requires a county or township to approve a Group Child Care Home if it meets the minimum standards listed in 125.3206 (4)(a-f). It then states a city or village *may* be issued a special use permit without added conditions. Further, the MZEA also clarifies that a local unit of government may issue a permit even if a facility doesn't meet the requirements in the MZEA, but a county or township shall not have an ordinance more restrictive than 1973 PA 116, MCL 722.111 to 722.128.

Furthermore, the Use Table entries for Adult Foster Care uses should be evaluated for clarification, formatting corrections, and potentially allowing Adult Foster Care Large Group Homes as Special Land Uses in the MR-1 and MR-2 districts.

**STAFF RECCOMENDATION:**

Staff recommendation for the Planning Commission is to schedule a Public Hearing to have a detailed discussion and address the above noted issues. At the hearing staff will provide draft updated language and Use Tables to show the proposed changes.

During a Public Hearing important items to consider for discussion will be whether to designate the Group Child Care Home use as Permitted or Special Land Use in the various zoning districts. Other items to consider are whether the use designations for Child Care Centers are appropriate and if any changes are needed for that use in the table.

When considering these items, please keep in mind the time and cost for an applicant when applying for a Special Land Use and whether the review can instead be adequately performed by staff to ensure all relevant regulations are met, which may include additional review criteria.

Best practices recommend making child care more accessible and not requiring excessive approval processes without a clear governmental interest. Below are several resources that describe Group Child Care uses and best practices.

- Pairing Your Local Plan and Ordinance with the State of Michigan's Child Care Licensing Requirements - by Mary Reilly, AICP
- APA Policy Guide on the Provision of Child Care

Additionally, the attached figure below shows Michigan State University's - Community Evaluation Programs' Child Care Desert Chart for Genesee County. More information can be found at <https://cep.msu.edu/projects/child-care-mapping-project>. In Genesee County, children between the ages of 0-2.9 have 4.47 children competing for every one child care slot. Children between ages 3-5 have 2.6 children competing for every one child care slot. Children between ages 6-11 have 4 children competing for every one child care slot.

**MOTION:**

The Planning Commission may set a public hearing for further discussion with the below motion:

"I motion to set a public hearing to discuss and vote on recommended changes to the Zoning Ordinance regarding residential care and child care uses for the **June 11<sup>th</sup>, 2024** meeting.

Number of Children Competing for One Slot by Age Group

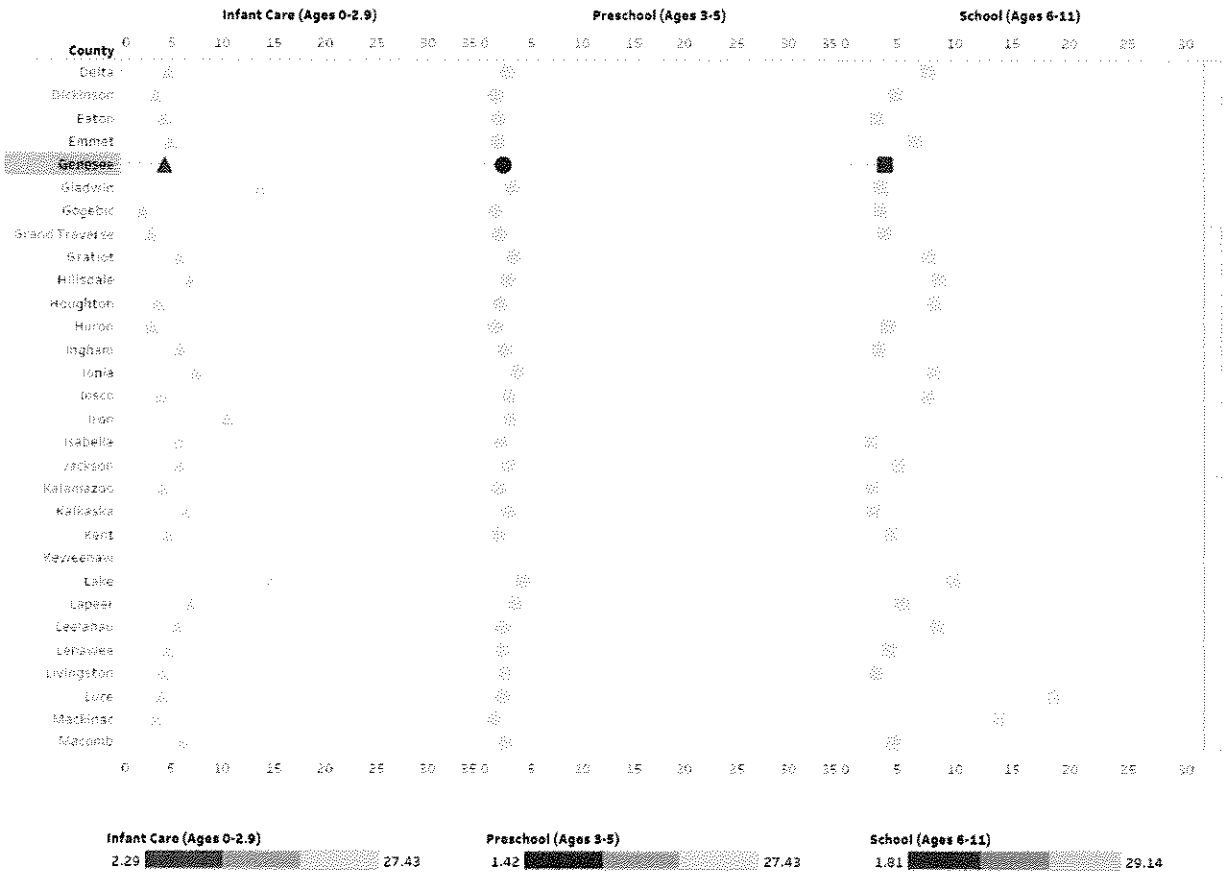


Figure 1: Child Care Desert Chart

# Pairing Your Local Plan and Ordinance with the State of Michigan’s Child Care Licensing Requirements

The Michigan Zoning Enabling Act, PA 110 of 2006 (MZEA), limits local control on certain childcare license types (e.g., family child care) and allows local discretion on others, such as child care centers. The MZEA requires that zoning treat a family child care home (with seven or fewer children) as a residential use of property. No permit or procedural requirements can be “different from those required for a dwelling of similar density in the same zone”. If a single-family dwelling is allowed by right, so too must a family child care home.

Local discretion determines 1) the classification of the use as a permitted use or special land use, 2) zoning district (s) allowing the use, 3) special land use or administrative standards where applicable, and 4) additional details like site plan requirements, parking, and signage.

The MZEA 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 the Child Care Organizations Act (PA 116 of 1973) (see below).

When zoning for child care facilities, it is critically important to use terminology consistent with Michigan’s distinct licensure types (see table below). Additionally, MZEA definitions for family child care home and group child care home tie directly to PA 116 of 1973 and its administrative rules.

## The Child Care Organizations Act (Act 116 of 1973)

The Child Care Organizations Act’s purpose is to provide for the protection of children through the licensing and regulation of child care organizations, establish standards of care for child care organizations, and to assign powers and duties of certain entities. It is noteworthy that the Child Care Organizations Act, is 53 pages long (the MZEA by comparison is 23 pages long). It is illegal in the State of Michigan to provide child care services without being

licensed by the Michigan Department of Licensing and Regulatory Affairs, Child Care Licensing Division.

## What about Grandparents and College Students Watching Kids Part Time?

License exempt providers (formerly known as unlicensed) can provide care in their own home or the child’s home if they are related by blood, marriage or adoption. License exempt Child Care Providers who are not related to the child can only provide care in the child’s home. Many steps and/or inspections are required by the state before a child care center, group child care home, or family child care home is licensed to operate. See the September issue of the *Michigan Planner E-dition* for links to the licensing process.

## Updating Local Requirements

Before diving into the zoning ordinance, review the plan to determine if it addresses child care. Are the zoning requirements implementing the plan? If the plan doesn’t address children or youth, should it?

Type of Child Care As Defined by State of Michigan	Capacity	Zoning Permit type
<b>Family Child Care Home*</b> (COUNTY OR TOWNSHIP)	<b>Up to 7 children</b>	Permitted/accessory use; <i>shall</i> be considered a residential use of property, MCL 125.3206 (1)) and not subject to SLU in county or township (125.3206 (3)). [The MZEA is silent on SLU prohibition for a city or village]
<b>Group Child Care Home*</b>	<b>8 to 14 unrelated minor children</b>	Permitted use, <i>may</i> be SLU in City/Village/Township/County. In Township or County SHALL be approved if meets MZEA standards in MCL 125.3206 (4); can also be approved if does not meet standards (125.3206 (9))
<b>Child Care**Center</b> (does not include Sunday school, athletic or social activities, drama, dance, etc.)	<b>One or more children under 13 years of age</b>	Permitted or special land use (SLU) in appropriate districts

\*Approved HB 5041 increased capacity for group child care and family child care in June 2022. The Governor signed the bill on 6/23/22 amending the Child Care Organizations Act (1973 PA (Public Act) 116).

\*\*Michigan law identifies child care and corresponding licensure as two words, child care.



Given the state's requirements for child care providers (whether in a home or in a center) consider how many more requirements are necessary for group child care and child care centers. Audit your ordinance for reasonableness, conflicts, and redundancies. For instance:

- Zoning definitions for child care centers, family and group child care homes must be consistent with state law.
- Are there significant areas (zoning districts) where child care facilities are not listed as a permitted or special land use?
- Does a group child care need to be a special land use or would allowing it as a principal permitted use be satisfactory? With planning commission or administrative review?
- If a permitted use, consider the site plan requirements. *An engineered site plan for a group day care at an existing home seems excessive.*
- Are there conflicts between local and state regulation, like dimensional minimums for outdoor play areas?
- Are required minimum setbacks for play equipment (such as 50-feet) necessary? *A variance for placement of a swing set seems a bit heavy handed.*
- Are there other redundancies such as, "signs must comply with the requirements of this ordinance" or "the applicant must meet all state licensing requirements."

Finally, does the ordinance address key concerns or advance a governmental interest? If no one can determine why a standard is relevant, the standard can probably be rescinded.

**Mary Reilly, AICP**, is a MSU Extension Educator focusing on planning, zoning, and good governance. She serves on the MAP Government Relations committee. The two children she once dropped off at daycare are now young adults.

**MICHIGAN STATE UNIVERSITY** Extension

## Participants and Sponsors of the Memorial Scholarship Golf Outing on June 8th THANK YOU!

With the help of the scholarship committee, golfers and financial contributors, we raised nearly \$5,000.

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*Carlisle | Wortman Associates, Inc.*

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# APA Policy Guide on the Provision of Child Care

Revised by the APA Legislative & Policy Committee, July, 1997

Adopted by the Chapter Delegate Assembly, September 20, 1997

Ratified by the Board of Directors, September 21, 1997

## Statement of Issue and Findings

Affordable, conveniently located, quality child care is one of the most pressing concerns of contemporary family life. In the 1990s, 75 percent of women with school-aged children are in the labor force. According to the Census Bureau, in 1990, there were 19.2 million employed women with children under 15 years old living with them. Their 31 million children must be cared for while their mothers are at work.

The most rapid increase in the rate of labor force participation since 1970 has been among women with children under the age of three. In 1997, 62 percent of mothers with pre-schoolers are in the work force. Additionally, most of these mothers work full time.

In 1990, an estimated 1.6 million children 5 to 14 years old were "latchkey" children, i.e., left unsupervised for at least part of the day. Child care is clearly a national problem calling out for some form of federal support. In addition, there are numerous state and local level policies and actions which would enhance the provision of quality child care.

In 1990, a common type of arrangement chosen by working parents was family day care homes. It continues to be a preferred choice. Family day care is provided by an adult working in her or his home and typically caring for four to seven children. Local planners can play an important role in facilitating the provision of family day care by working to amend zoning to permit such a use by right in some residential districts. Local planners are also increasing the availability of child care by working with developers to provide affordable space. Child Care in the workplace as another convenient option for working parents.

# Policy Positions

- 1. APA advocates the inclusion of child care policies as part of local planning policies.**
- 2. APA supports local or state legislation which provides for small child care homes as permitted land uses in all zoning districts, without the standard home occupation restrictions, but with reasonable compatibility standards; and further supports state preemption of local legislation which does not permit this type of child care home.**
- 3. APA encourages communities to consider amending local zoning ordinances to remove obstacles to the provision of regulated group and family child care in all zoning districts, in locations that are appropriate and safe for children.**
- 4. APA encourages communities to negotiate with developers and to offer incentives to provide space for child care in all types of projects, residential, office, mixed use, and commercial, including new construction and reuse.**

Reasons for these principles include:

The impact of child care shortages is most acutely felt at the local level. A survey of parents seeking child care in five counties in New York State showed the number one problem to be finding a center which was conveniently located. Many communities are already actively engaged in improving the availability of child care for their residents. For example, in Hartford, Connecticut, developers can receive a FAR bonus in exchange for providing space for day care. Prince George's County, Maryland, has amended its zoning to include a special exception for child care facilities in excess public school buildings undergoing adaptive reuse. Palo Alto, California, includes in its comprehensive plan a variance permitting expanded site coverage in industrial zones when the additional building space is used for child care. Tucson, Arizona, zoning regulations allow by right small child care homes and, conditionally, small child care centers in residential zones. The State of California requires local jurisdictions to classify family day care as a residential use and prohibits the imposition of licenses, fees, or zoning requirements on day care centers with 6 or fewer children. Local jurisdictions may require special use permits for facilities with up to 12 children, but limit local discretion to consideration of spacing, parking, traffic, and noise control, subject to the building meeting state building and fire safety requirements.

It should be noted that, although much attention is being focused on the provision of child care at work, surveys consistently show that most parents prefer that their children be in small facilities close to home. Parents are concerned not just about convenience of child care, but also the quality of child care. Child care for a limited number of children in a home is the preferred choice of many parents. Home occupation restrictions, such as limited use of floor space in the home and prohibitions on the use of outdoor space, unreasonably restrict child care in the home.

Some locations, such as high noise areas near airports and industrial areas with hazardous materials storage, may be inappropriate for child care. In addition, maintaining the quality of life in a neighborhood is important. Traffic and parking, waste disposal, and adequate sound control measures should be considered when providing for child care in a neighborhood. Licensing of child care to assure the quality of care and safety of children should be reasonable requirements.

**5. APA supports legislation at the federal, state and local levels providing for child care needs assessment and planning to be performed at the state and local level.**

**6. APA supports local legislation (zoning ordinances) which provide for child care in locations convenient to neighborhoods and in public facilities such as schools, recreation and social service centers, and subsidized housing projects. Procedures to locate child care facilities should not be overly burdensome and should be related to size and land use impacts of the facility.**

**7. APA supports national and state legislation which moves toward the goal of providing adequate funding for safe, convenient and affordable child care opportunities for all children.**

Reasons for these principles include:

The United States is the only industrialized nation which provides no job protection or child care support for working parents. American women have no statutory entitlement to job protection, health coverage for themselves and their newborn, or access to affordable, convenient and quality child care. The majority of women (80 percent, according to the National Commission on Working Women) work in low-paying, low status jobs. Nearly two thirds (63.6 percent) of all minimum wage earners are women. Twenty percent of mothers in the work force, or over 6 million women, are the sole support of their families. Without public policies in support of parents, we as a society run the risk that many of today's children will not receive the necessary care to grow into productive adults. Regulations which protect the safety of children, enhance the quality of care, or assure child care affordability are appropriate and will help to address concerns of parents and communities about child care.

Child care costs are most burdensome on low-income mothers. Women, especially women of color, are more likely to hold low-wage jobs. Child care costs approximately 27 percent of the monthly income for a family below poverty in 1991.

Increased zoning barriers add to the cost of child care and the lowering of quality of care. Typically, churches and schools are permitted in residential zones as uses that are compatible with and help support the viability of a neighborhood. Child care centers are usually considered commercial land uses, thus making the cost and convenience of child care greater for neighborhood residents.

Welfare reform's impact on the need for child care for low-income mothers has the potential to be significant. Public funding for day care (e.g. the provision of safe, affordable, child care at convenient locations) is essential to implementation of any federal or state program for welfare



reform.

*Note: The implementation of actions at the state level is at the initiative of the chapter taken in the legislative context particular to each state.*

## **RESOURCES**

Ann Cibulskis and Marsha Ritzdoft, *Zoning for Child Care*, Planning Advisory Service Report no. 422, 1989.

Bureau of Census, Statistical Briefs. *American Women: A Profile (SB/95-19); The Earnings Ladder (SB/94-3RV); Who's Minding The Kids? (SB/94-5)*

Abby Cohen, "Zoning For Family Day Care: Transforming a Stumbling Block Into A Building Block," *The Planning Commissioner's Journal*, Number 3, March/April 1992.



**CITY OF FLINT**  
Department of Business and Community Services  
Planning and Zoning Division

**Sheldon Neeley,**  
Mayor

## **Text Amendments Memorandum**

**Date:** June 4<sup>th</sup>, 2024  
**To:** City of Flint Planning Commission  
**From:** Max Lester, Int. Zoning Coordinator  
**Subject:** Proposed Text Amendments for Residential Child Care and Similar Uses – Articles 3, 4, 5, 6, and 16

Commissioners,

Below are explanations of the draft language with proposed changes to be made to Articles 3, 4, 5, 6, and 16 of the Zoning Code primarily addressing Group Child Care Homes, uses, location restrictions, and definitions. Further changes may be made by the Planning Commission; however, these changes reflect the minimum recommendations from staff.

### **Article 3 Changes:**

Moved the “Group Child Care Home” use from the commercial section of the Use Table to residential and changed the name from “Group Day Care Home” to reflect the terminology used by the State. Additionally, we noted this as a Permitted use in all residential zoned districts where it previously was blank except for the MR-3 Special Land Use designation.

Added “Family Child Care Home” as a separate use. The number of children permitted for Family and Group Child Care Home uses were changed to (1-7) and (7-14) respectively to account for new licensing rules. The “Family Child Care Home” use is indicated as Permitted in all districts.

Struck the “Adult Foster Care Family Home” and “Adult Foster Care Small Group Home” uses from the Use Table. “Adult Foster Care Family Home” is already covered under the “State Licensed Residential Facility (1-6)” use and the indication of 1-6 for “Adult Foster Care Small Group Home” is incorrect, however, it is correctly identified just under with the same name with 7-12 residents indicated.

The “State Licensed Residential Facility (1-6)” use also was added as Permitted in the MR-3 zoned district where it was previously blank.

The “Adult Foster Care Large Group Home (13-20)” use was added as a Special Land Use in the MR-1 and MR-2 zoned districts. This adds the use as an option if approved by the Planning Commission in a public hearing.

The “Residential Care Service” subgroup was renamed “Day Care Services” to reflect the commercial nature of the uses.

“Child Care Center” had Special Land Use designations removed from the GN-2, TN-1, and TN-2 zoned districts due to their commercial nature. The Planning Commission may choose to allow the Special Land Use designation to remain, though additional conditions or review considerations should be included for these districts.



**CITY OF FLINT**  
Department of Business and Community Services  
Planning and Zoning Division

**Sheldon Neeley,**  
Mayor

"Adult Day Care or Day Services Center" were given additional Special Land Use designations for MR-1 and MR-2 zoned districts.

The State-Licensed Residential Facilities notation under Section 50-25 E. on Page 10 was removed, see changes for Article 16 for the updated definition. The Planning Commission may evaluate whether to keep the indicated buffers, however this buffer is noted in the MZEA as a requirement for Townships and Counties, not Cities. Unless reason(s) can be fully articulated as to why we should enforce the buffer, we don't think it is beneficial to maintain, at least at the indicated 1,500 feet.

**Article 4 Changes:**

Moved the "Group Child Care Home" use from the commercial section of the Use Table to residential and changed the name from "Group Day Care Home" to reflect the term used by the State. Designations were changed to Permitted for the NC and DE uses where we tend to have existing single-family residential structures and are now Special Land Uses for new structures. The use is marked as Special Land Uses for CC and DC zoned districts to account for any single-family residences still existing in these zoned districts.

Added "Family Child Care Home" as a separate use. The number of children permitted for Family and Group Child Care Home uses were changed to (1-7) and (7-14) respectively to account for new licensing rules. The "Family Child Care Home" use is indicated as Permitted in all districts.

Struck the "Adult Foster Care Family Home" and "Adult Foster Care Small Group Home" uses from the Use Table and added a single "State Licensed Residential Facility (1-6)" use. Zoning designations changed to match those for "Group Child Care Home".

The "Residential Care Service" subgroup was renamed "Day Care Services" to reflect the commercial nature of the uses.

"Adult Day Care or Day Services Center" were noted as Permitted for NC, DE, and DC zoned districts.

"Child Care Center" was added as a Permitted Use in NC and DC zoned districts.

**Article 5 Changes:**

Moved the "Group Child Care Home" use from the commercial section of the Use Table to residential and changed the name from "Group Day Care Home" to reflect the term used by the State. Designations were changed to Special Land Use for GI-2 zoned districts where we tend to have existing single-family residential structures.

Added "Family Child Care Home" as a separate use. The number of children permitted for Family and Group Child Care Home uses were changed to (1-7) and (7-14) respectively to account for new licensing rules. "Family Day Care Home" is indicated as a Special Land Use in GI-2 for any residential uses that may remain and as a Permitted use for CE where Multi-Family Dwellings are allowed as Special Land Uses.



**CITY OF FLINT**  
Department of Business and Community Services  
Planning and Zoning Division

**Sheldon Neeley,**  
Mayor

"Adult Foster Care Small Group Home" and "Adult Foster Care Large Group Home" uses were struck from CE as these are residential uses and are unlikely to be needed in the CE zoned district which is commercial and industrial in nature. They were added as Special Land Uses in the GI-2 district where residential uses are likely to remain.

"Adult Day Care or Day Services Center" were noted as Permitted for the GI-2 and PC zoned districts. The Planning Commission may wish to evaluate and consider if Special Land Use is more fitting to ensure appropriate placement and site design.

"Child Care Center" was added as a Permitted Use in the GI-2 and PC zoned districts, as for Adult Day Care the Planning Commission may wish to consider these Special Land Uses to be confident potential uses are located in a safe location.

**Article 6 Changes:**

Moved the "Group Child Care Home" use from the commercial section of the Use Table to residential and changed the name from "Group Day Care Home" to reflect the term used by the State. Designations were changed to Permitted for the UC and GI-1 zoned districts where we tend to have existing single-family residential structures and new single-family residences are Special Land Uses and Permitted uses respectively.

Added "Family Child Care Home" as a separate use. The number of children permitted for Family and Group Child Care Home uses were changed to (1-7) and (7-14) respectively to account for new licensing rules. The "Family Child Care Home" use is indicated as Permitted in all districts.

Struck the "Adult Foster Care Family Home" and "Adult Foster Care Small Group Home" uses from the Use Table and added a single "State Licensed Residential Facility (1-6)" use. Zoning designations changed to match those for "Group Child Care Home".

"Adult Foster Care Small Group Home" and "Adult Foster Care Large Group Home" uses given an additional Special Land Use designation for the GI-1 zoned districts. GI-1 is meant to be a blend of residential and commercial agricultural and green uses.

The "Residential Care Service" subgroup was renamed "Day Care Services" to reflect the commercial nature of the uses.

"Adult Day Care or Day Services Center" was added as Permitted uses in the IC, UC, and GI-1 zoned districts.

"Child Care Center" was added as a Permitted Use in the IC, UC, and GI-1 zoned districts.



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**Article 16 Changes:**

The “Family day care home” definition was struck as this was corrected in the earlier Articles, and only acted to direct readers to view the more correct term of “Child Care Home, Family”.

The “Group day care home” definition was struck as this was corrected in the earlier Articles, and only acted to direct readers to view the more correct term of “Child Care Home, Group”.

The term “Child Care Home, Family” was corrected to “Family child care home”, removing the unnecessary separation of the first word which does not appear in the MZEA or other applicable State legislation. Additionally, the number of children permitted has been increased to a maximum of seven to reflect the changes to licensure in the attached 2022 PA 106 (House Bill 5041).

The term “Child Care Home, Group” was corrected to “Group child care home”, removing the unnecessary separation of the first word which does not appear in the MZEA or other applicable State legislation. Additionally, the number of children permitted has been increased to a maximum of fourteen to reflect the changes to licensure in the attached 2022 PA 106 (House Bill 5041).

The definition for “State Licensed Residential Facility” was amended to use the exact wording found in the Michigan Zoning Enabling Act.

**Comprehensive Plan:**

The City of Flint’s Imagine Flint Comprehensive Plan has minimal language regarding child care, but does indicate that expanded access to child care is a goal for economic success.

**Chapter 9: Economic Development and Education Plan**

*Goal:* The City of Flint will have a growing and diverse economy that spurs innovation and small business development along with an education system that prepares our workforce for jobs paying a livable wage.

*Objective 3: Increase access to employment opportunities.* Flint must reduce barriers preventing low-income individuals and marginalized groups from entering the workforce. By increasing access to jobs through affordable childcare and better public transportation, and limiting the effects of implicit bias, we can ensure economic growth is equitable and that quality of life is improved for all.

**Resources and Best Practices:**

Attached are several resources that were previously provided as well as new materials.

- *Pairing Your Local Plan and Ordinance with the State of Michigan’s Child Care Licensing Requirements* by Mary Reilly, AICP – MSU Extension
- *APA Policy Guide on the Provision of Child Care*
- *Act No. 106 of Public Acts of 2022 (Amendment to 1973 PA 116)*
- *Gov. Whitmer Announces Grants to Help Communities Expand Access to Low or No-Cost Child Care* – March 10, 2023 Press Release
- *Genesee County, Child Care: A Critical Need in Michigan* by Parker James, Michigan League for Public Policy – March 2021



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**Goals for Amendments:**

The goal of the proposed amendments is to allow for easier access to child care for both the providers and parents in Flint. Additionally, the changes will better align Flint's policies on use classification with State requirements and updated language. In addition to the proposed amendments, staff will seek to delineate Special Land Use application fees in the Fee Schedule between residential and commercial uses to further reduce barriers for those areas where child care is specified for Special Land Use Review.

**Sample Motions:**

**Motion to Approve:**

"I motion to recommend approval of the proposed amendments to City Council for Articles 3, 4, 5, 6, and 16..."

**Choose one of the following:**

- "...as shown in the staff materials."
- "...as shown in the staff materials with the following changes..."
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_

**Motion to Deny:**

"I motion to recommend denial of the proposed amendments to City Council for Articles 3, 4, 5, 6, and 16 as shown in the staff materials."

**Motion to Postpone:**

"I motion to postpone the decision for a recommendation on the proposed amendments for Articles 3, 4, 5, 6, and 16 to the \_\_\_\_\_ meeting..."

**Optional**

- "...with further information requested regarding..."
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_



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**Planning Commission Action – Child Care Text Amendments – June 2024**

The proposed text amendments for Articles 3, 4, 5, 6, and 16 are hereby postponed for further review by the City of Flint Plan Commission on this day of June 11<sup>th</sup> of 2024.

Handwritten signature of Robert Wesley in cursive script.

Robert Wesley  
Planning Commission Chair

Handwritten signature of Max Lester in cursive script.

Max Lester  
Int. Zoning Coordinator



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Department of Business and Community Services  
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## **Text Amendments Memorandum**

**Date:** June 18<sup>th</sup>, 2024  
**To:** City of Flint Planning Commission  
**From:** Max Lester, Int. Zoning Coordinator  
**Subject:** Update - Proposed Text Amendments for Residential Child Care and Similar Uses

Commissioners,

Discussion during the first meeting for the Child Care Text Amendments public hearing ended with requests for additional information as noted below. Please bring back the materials from the first meeting with you, if you need another, please notify staff and a copy will be given to you at the meeting. First, additional information is detailed below to help clarify the different uses and regulations.

### **Additional Information:**

#### **Family Child Care Homes and Group Child Care Homes:**

- Regulated under the Child Care Organizations Act (1973 PA 116) and the Department of Licensing and Regulatory Affairs' (LARA) "Licensing Rules for Family and Group Child Care Homes".
- *Family Child Care Home* allows care for 1 to 6 unrelated children in a private residence, up to 7 upon State approval.
- *Group Child Care Home* allows care for 7 to 12 unrelated children in a private residence, up to 14 upon State approval.
- Licensed operator must permanently reside in the child care home as a member of the household.

#### **Child Care Centers:**

- Regulated under the Child Care Organizations Act (1973 PA 116).
- No defined capacity categories, not typically located in a residential structure.

#### **Adult Foster Care Facilities:**

- Regulated under the Adult Foster Care Facility Licensing Act and various LARA "Licensing Rules for...".
- Various licenses include Adult Foster Care Family Homes (1-6), Small Group Homes (7-12), Large Group Homes (13-20), and Congregate Facilities (21+).
- Under the Michigan Zoning Enabling Act, Adult Foster Care Family Homes (1-6) are residential uses and cannot be subjected to Special Land Use procedures.

*(continued on next page)*





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**Article 3:**

1. A request was made to further define and give examples for considerations that may be added when reviewing "Child Care Centers" as a Special Land Use (SLU) in GN-2, TN-1, and TN-2 zoned districts, assuming these uses are kept as SLUs for these districts.

Child Care Centers are already permitted as accessory uses to institutional uses in any district per §50-90. A small addition to this section adding language allowing the use as an SLU when the existing structure is commercial in nature may be appropriate while still ensuring adequate review is given. The addition may look something like:

**\*\*\*\*\*Article 9 - §50-90 Child Care Center\*\*\*\*\***

*"E. Former Commercial Building. A Child Care Center may be reviewed under Special Land Use procedures, subject to satisfying all of the necessary requirements listed in this Article, when the use will be located within an existing building of a commercial nature in a Residential Zone District."*

Alternatively, Child Care Centers may be left as a Special Land Use in the GN-2, TN-1, and TN-2 zoned districts, optional conditions may be added to §50-90. Example conditions are listed below:

- Must provide a Type 1 Transition Yard per the standards of §50-157 where the property lines adjoin a residential district or use; **and/or**
- May operate between **##:00 AM/PM** and **##:00 AM/PM.**; **and/or**
- May operate two hours before and after the required operation hours if a Type 2 Transition Yard is provided per the standards of §50-157 where the property lines adjoin a residential district or use; **and/or**
- Must front a collector, minor arterial, or principle arterial right-of-way as identified by the Future Functional Classification map (Chapter 6, Imagine Flint Comprehensive Plan). **see attachments**

*(continued on next page)*



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2. A request was made regarding further information on the distance buffer and how other municipalities regulate the distance between Group Child Care Home Uses:

**Detroit, MI:**

**Family Day Care Home** – Permitted use in all Residential districts. Permitted or Conditional Use where single-family homes are Permitted or Conditional respectively.

**Group Day Care Home** – Conditional use in all Residential Districts

**Buffer** – No indicated buffers.

**Ann Arbor, MI:**

**Family Day Care Home** – Accessory use in all Residential and Mixed-Use Districts

**Group Day Care Home** – Accessory use in all Residential Districts and all but one Mixed Use District.

**Buffer** – No indicated buffers.

**Lansing, MI:**

**Family Day Care Home** – Permitted use in all Residential districts.

**Group Day Care Home** – Conditional use in all Residential districts and all but one Mixed-Use/Commercial district.

**Buffer** – No indicated buffers.

**Grand Rapids, MI:**

**Family Day Care Home** – Permitted in all Residential districts.

**Group Day Care Home** – Permitted in all Residential districts.

**Buffer** – No indicated buffers.

**Pontiac, MI:**

**Family Day Care Home** – Permitted in all Residential districts and one Mixed-use district.

**Group Day Care Home** – Special Exception Use in all Residential districts but the lowest density and in one Mixed-Use district.

**Buffer** – 1,500 ft. buffer for all State Licensed Residential Facility/Home uses, boarding/lodging houses, and unlicensed residential facility/home. The Planning Commission may allow a smaller separation "upon determining that such action will not result in an excessive concentration of such facilities in a single neighborhood or in the City overall.

**Saginaw, MI:**

**Family Day Care Home** – Not mentioned.

**Group Day Care Home** – Not mentioned.

**Buffer** – Not mentioned.

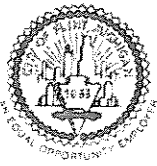
**Dearborn, MI:**

**Family Day Care Home** – Permitted in all Residential districts...

**Group Day Care Home** – Special Land Use in all Residential districts and most Business districts.

**Buffer** – No indicated buffers.

***See the attached map to view locations of active Child Care Facilities.***



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**2 (cont.)** Alternatively, if a buffer is desired a Group Child Care Home could be set to require additional review by the Planning Commission as a Special Land Use if the location is within 500 feet of an existing Group Child Care Home. There would still be a cost and time burden on those who would be required to meet the standard but would not be blanketly enforced to all Group Child Care Home uses.

**Article 5 Changes:**

1. More discussion was desired on whether the "Adult Day Care or Day Services Center" and "Child Care Center" uses should be Permitted or Special Land Uses in GI-2: Green Innovation – High Intensity and PC: Production Center zoned districts.

As Special Land Uses the Planning Commission would have a Public Hearing to more closely consider applications on a location-by-location basis.

**Article 16 Changes:**

1. Concern was noted on the updated definition for "State Licensed Residential Facility". As presented this reads: A "State licensed residential facility" means a structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, **and provides residential services for 6 or fewer individuals under 24-hour supervision or care.**

**Adult Foster Care Facility Licensing Act – 1979 PA 218, MCL 400.701 to 400.737**

**Child Care Organizations Act – 1973 PA 116, MCL 722.111 to 722.128**

In this case, only Adult Foster Care Family Homes (1-6) and Family Child Care Home (1-6) uses apply to this definition. In addition, the Michigan Zoning Enabling act also recognizes the following uses as residential uses that must not be treated differently from single-family homes:

- "Adult foster care facility" which has a capacity of 1-4 adults who all receive benefits from a community mental health services program, in which the mental health services program monitors the services delivered.
- A qualified residential treatment program that provides services for 10 or fewer individuals.
- **MZEA §125.3206 (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.



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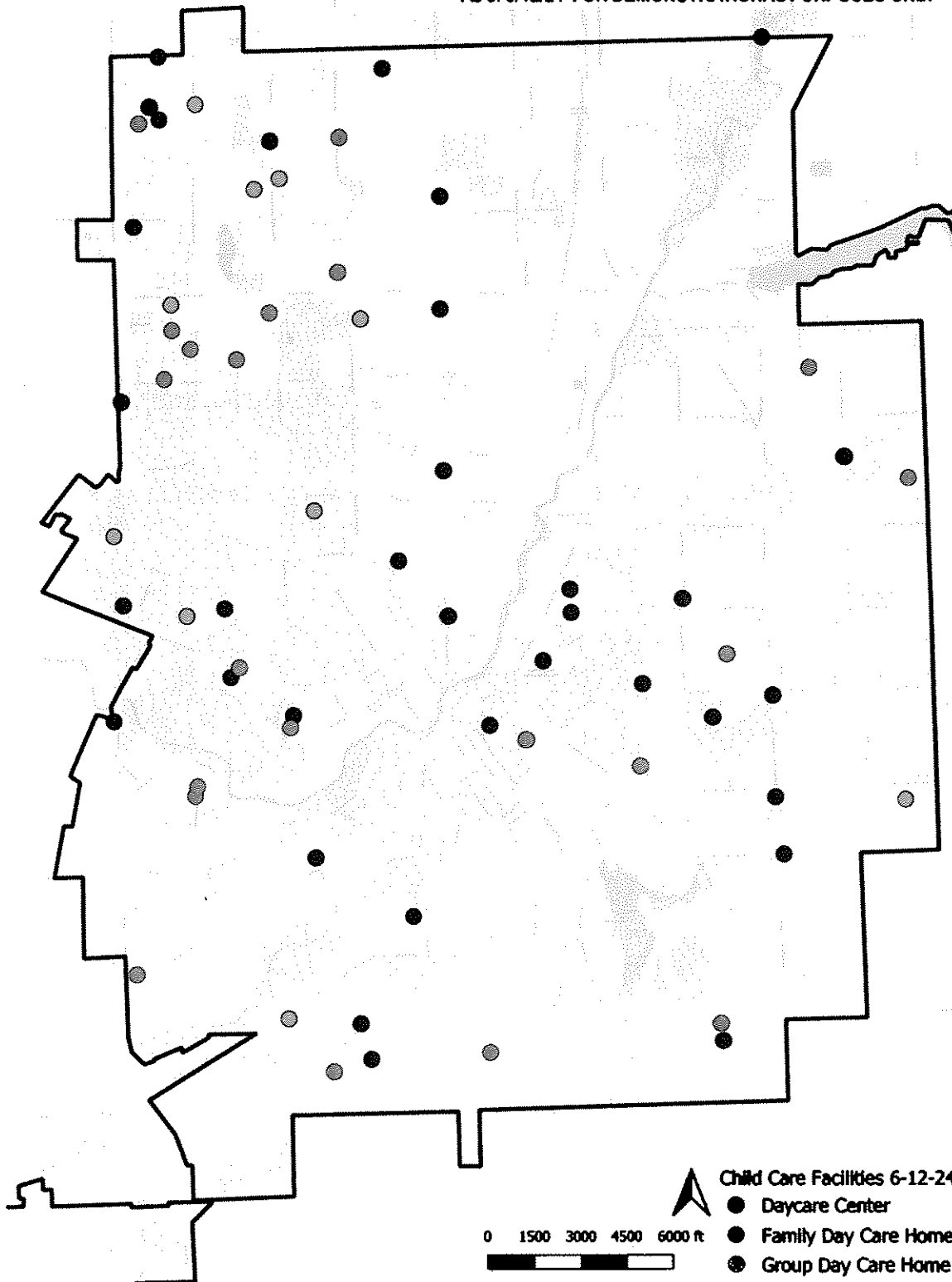
- (c) Maintains the property consistent with the visible characteristics of the neighborhood.
  - (d) Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group child care home between the hours of 10 p.m. and 6 a.m.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

No changes are recommended for this definition as it comes directly from the Michigan Zoning Enabling Act. Additionally, per the information above for Group Child Care Home buffers, no buffer is recommended.

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# City of Flint Child Care Facilities

As of 6/12/24 FOR DEMONSTRATIONAL PURPOSES ONLY



## Total number of Facilities:

21 – Family Day Care Home  
11 – Group Day Care Home  
40 – Daycare Center

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