

SENATE BILL No. 242

February 21, 2007, Introduced by Senator JACOBS and referred to the Committee on Families and Human Services.

A bill to amend 2006 PA 110, entitled
"Michigan zoning enabling act,"
by amending sections 102 and 206 (MCL 125.3102 and 125.3206).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 102. As used in this act:

2 (a) "Agricultural land" means substantially undeveloped land
3 devoted to the production of plants and animals useful to humans,
4 including, but not limited to, forage and sod crops, grains, feed
5 crops, field crops, dairy products, poultry and poultry products,
6 livestock, herbs, flowers, seeds, grasses, nursery stock, fruits,
7 vegetables, Christmas trees, and other similar uses and activities.

8 (b) "Airport" means an airport licensed by the Michigan

1 department of transportation, bureau of aeronautics under section
2 86 of the aeronautics code of the state of Michigan, 1945 PA 327,
3 MCL 259.86.

4 (c) "Airport approach plan" and "airport layout plan" mean a
5 plan, or an amendment to a plan, filed with the zoning commission
6 under section 151 of the aeronautics code of the state of Michigan,
7 1945 PA 327, MCL 259.151.

8 (d) "Airport manager" means that term as defined in section ~~10~~
9 2 of the aeronautics code of the state of Michigan, 1945 PA 327,
10 MCL ~~259.10~~ 259.2.

11 (e) "Airport zoning regulations" means airport zoning
12 regulations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL
13 259.431 to 259.465, for an airport hazard area that lies in whole
14 or part in the area affected by a zoning ordinance under this act.

15 (f) "Conservation easement" means that term as defined in
16 section 2140 of the natural resources and environmental protection
17 act, 1994 PA 451, MCL 324.2140.

18 (g) "Coordinating zoning committee" means a coordinating
19 zoning committee as described under section 307.

20 (h) "Development rights" means the rights to develop land to
21 the maximum intensity of development authorized by law.

22 (i) "Development rights ordinance" means an ordinance, which
23 may comprise part of a zoning ordinance, adopted under section 308.

24 (j) "Family ~~day-care~~ **CHILD CARE** home" and "group ~~day-care~~
25 **CHILD CARE** home" mean those terms as defined in section 1 of 1973
26 PA 116, MCL 722.111, and only apply to the bona fide private
27 residence of the operator of the family or group ~~day-care~~ **CHILD**

1 CARE home.

2 (k) "Greenway" means a contiguous or linear open space,
3 including habitats, wildlife corridors, and trails, that links
4 parks, nature reserves, cultural features, or historic sites with
5 each other, for recreation and conservation purposes.

6 (l) "Improvements" means those features and actions associated
7 with a project that are considered necessary by the body or
8 official granting zoning approval to protect natural resources or
9 the health, safety, and welfare of the residents of a local unit of
10 government and future users or inhabitants of the proposed project
11 or project area, including roadways, lighting, utilities,
12 sidewalks, screening, and drainage. Improvements do not include the
13 entire project that is the subject of zoning approval.

14 (m) "Intensity of development" means the height, bulk, area,
15 density, setback, use, and other similar characteristics of
16 development.

17 (n) "Legislative body" refers to the county board of
18 commissioners of a county, the board of trustees of a township, the
19 council of a city or village, or other similar duly elected
20 representative body of a county, township, city, or village.

21 (o) "Local unit of government" means a county, township, city,
22 or village.

23 (p) "Other eligible land" means land that has a common
24 property line with agricultural land from which development rights
25 have been purchased and is not divided from that agricultural land
26 by a state or federal limited access highway.

27 (q) "Population" means the population according to the most

1 recent federal decennial census or according to a special census
2 conducted under section 7 of the Glenn Steil state revenue sharing
3 act of 1971, 1971 PA 140, MCL 141.907, whichever is the more
4 recent.

5 (r) "Site plan" includes the documents and drawings required
6 by the zoning ordinance to insure that a proposed land use or
7 activity is in compliance with local ordinances and state and
8 federal statutes.

9 (s) "State licensed residential facility" means a structure
10 constructed for residential purposes that is licensed by the state
11 under the adult foster care facility licensing act, 1979 PA 218,
12 MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and
13 provides residential services for 6 or fewer persons under 24-hour
14 supervision or care.

15 (t) "Undeveloped state" means a natural state preserving
16 natural resources, natural features, scenic or wooded conditions,
17 agricultural use, open space, or a similar use or condition. Land
18 in an undeveloped state does not include a golf course but may
19 include a recreational trail, picnic area, children's play area,
20 greenway, or linear park. Land in an undeveloped state may be, but
21 is not required to be, dedicated to the use of the public.

22 (u) "Zoning board" means a county zoning commission created
23 under the **FORMER** county zoning act, 1943 PA ~~185-183~~, ~~MCL 125.201 to~~
24 ~~125.240~~, or a township zoning board created under the **FORMER**
25 township zoning act, 1943 PA 184, ~~MCL 125.271 to 125.310~~, that
26 existed on the effective date of this act.

27 (v) "Zoning commission" means a zoning commission as described

1 under section 301.

2 (w) "Zoning jurisdiction" refers to the area encompassed by
3 the legal boundaries of a city or village or to the area
4 encompassed by the legal boundaries of a county or township outside
5 the limits of incorporated cities and villages. The zoning
6 jurisdiction of a county does not include the areas subject to
7 township zoning by a township that has adopted a zoning ordinance
8 under this act.

9 Sec. 206. (1) Except as otherwise provided in subsection (2),
10 a state licensed residential facility shall be considered a
11 residential use of property for the purposes of zoning and a
12 permitted use in all residential zones and is not subject to a
13 special use or conditional use permit or procedure different from
14 those required for other dwellings of similar density in the same
15 zone.

16 (2) Subsection (1) does not apply to adult foster care
17 facilities licensed by a state agency for care and treatment of
18 persons released from or assigned to adult correctional
19 institutions.

20 (3) For a county or township, a family ~~day-care~~**CHILD CARE**
21 home is considered a residential use of property for the purposes
22 of zoning and a permitted use in all residential zones and is not
23 subject to a special use or conditional use permit or procedure
24 different from those required for other dwellings of similar
25 density in the same zone.

26 (4) For a county or township, a group ~~day-care~~**CHILD CARE** home
27 shall be issued a special use permit, conditional use permit, or

1 other similar permit if the group ~~day care~~ **CHILD CARE** home meets
2 all of the following standards:

3 (a) Is located not closer than 1,500 feet to any of the
4 following:

5 (i) Another licensed group ~~day care~~ **CHILD CARE** home.

6 (ii) ~~Another~~ **AN** adult foster care small group home or large
7 group home licensed under the adult foster care facility licensing
8 act, 1979 PA 218, MCL 400.701 to 400.737.

9 (iii) A facility offering substance abuse treatment and
10 rehabilitation service to 7 or more people licensed under article 6
11 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.

12 (iv) A community correction center, resident home, halfway
13 house, or other similar facility which houses an inmate population
14 under the jurisdiction of the department of corrections.

15 (b) Has appropriate fencing for the safety of the children in
16 the group ~~day care~~ **CHILD CARE** home as determined by the local unit
17 of government.

18 (c) Maintains the property consistent with the visible
19 characteristics of the neighborhood.

20 (d) Does not exceed 16 hours of operation during a 24-hour
21 period. The local unit of government may limit but not prohibit the
22 operation of a group ~~day care~~ **CHILD CARE** home between the hours of
23 10 p.m. and 6 a.m.

24 (e) Meets regulations, if any, governing signs used by a group
25 ~~day care~~ **CHILD CARE** home to identify itself.

26 (f) Meets regulations, if any, requiring a group ~~day care~~
27 **CHILD CARE** home operator to provide off-street parking

1 accommodations for his or her employees.

2 (5) For a city or village, a group ~~day care~~ **CHILD CARE** home
3 may be issued a special use permit, conditional use permit, or
4 other similar permit.

5 (6) A licensed or registered family or group ~~day care~~ **CHILD**
6 **CARE** home that operated before March 30, 1989 is not required to
7 comply with the requirements of this section.

8 (7) The requirements of this section shall not prevent a local
9 unit of government from inspecting and enforcing a family or group
10 ~~day care~~ **CHILD CARE** home for the home's compliance with the local
11 unit of government's zoning ordinance. For a county or township, an
12 ordinance shall not be more restrictive for a family or group ~~day~~
13 ~~care~~ **CHILD CARE** home than as provided under 1973 PA 116, MCL
14 722.111 to 722.128.

15 (8) The subsequent establishment of any of the facilities
16 listed under subsection (4)(a) will not affect any subsequent
17 special use permit renewal, conditional use permit renewal, or
18 other similar permit renewal pertaining to the group ~~day care~~ **CHILD**
19 **CARE** home.

20 (9) The requirements of this section shall not prevent a local
21 unit of government from issuing a special use permit, conditional
22 use permit, or other similar permit to a licensed or registered
23 group ~~day care~~ **CHILD CARE** home that does not meet the standards
24 listed under subsection (4).

25 (10) The distances required under subsection (4)(a) shall be
26 measured along a road, street, or place maintained by this state or
27 a local unit of government and generally open to the public as a

1 matter of right for the purpose of vehicular traffic, not including
2 an alley.

3 Enacting section 1. This amendatory act does not take effect
4 unless Senate Bill No. 241

5 of the 94th Legislature is enacted into law.