

HOUSE BILL No. 5465

March 15, 2016, Introduced by Rep. Lucido and referred to the Committee on Local Government.

A bill to amend 2006 PA 110, entitled
"Michigan zoning enabling act,"
by amending section 206 (MCL 125.3206), as amended by 2007 PA 219.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 206. (1) Except as otherwise provided in subsection (2),
2 **ALL OF THE FOLLOWING APPLY TO** a state licensed residential
3 facility: ~~shall be considered~~

4 **(A) IT IS** a residential use of property for the purposes of
5 zoning. ~~and~~

6 **(B) IT IS** a permitted use in all **MULTIFAMILY** residential zones
7 and, **IF IT HAS 6 OR FEWER RESIDENTS, IN ALL SINGLE-FAMILY**
8 **RESIDENTIAL ZONES.**

1 (C) IT is not subject to a special use or conditional use
2 permit or procedure different from those required for other
3 dwellings of similar density in the same zone.

4 (2) Subsection (1) does not apply to adult foster care
5 facilities licensed by a state agency for care and treatment of
6 persons released from or assigned to adult correctional
7 institutions.

8 (3) For a county or township, a family child care home is
9 considered a residential use of property for the purposes of zoning
10 and a permitted use in all residential zones and is not subject to
11 a special use or conditional use permit or procedure different from
12 those required for other dwellings of similar density in the same
13 zone.

14 (4) For a county or township, a group child care home shall be
15 issued a special use permit, conditional use permit, or other
16 similar permit if the group child care home meets all of the
17 following standards:

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

20 (i) Another licensed group child care home.

21 (ii) An adult foster care small group home or large group home
22 licensed under the adult foster care facility licensing act, 1979
23 PA 218, MCL 400.701 to 400.737.

24 (iii) A facility offering ~~substance abuse treatment and~~
25 ~~rehabilitation service~~ **SUBSTANCE USE DISORDER SERVICES** to 7 or more
26 people licensed under ~~article 6~~ **PART 62** of the public health code,
27 1978 PA 368, MCL ~~333.6101 to 333.6523~~ **333.6230 TO 333.6251**.

1 (iv) A community correction center, resident home, halfway
2 house, or other similar facility ~~which~~**THAT** houses an inmate
3 population under the jurisdiction of the department of corrections.

4 (b) Has appropriate fencing for the safety of the children in
5 the group child care home as determined by the local unit of
6 government.

7 (c) Maintains the property consistent with the visible
8 characteristics of the neighborhood.

9 (d) Does not exceed 16 hours of operation during a 24-hour
10 period. The local unit of government may limit but not prohibit the
11 operation of a group child care home between the hours of 10 p.m.
12 and 6 a.m.

13 (e) Meets regulations, if any, governing signs used by a group
14 child care home to identify itself.

15 (f) Meets regulations, if any, requiring a group child care
16 home operator to provide off-street parking accommodations for his
17 or her employees.

18 (5) For a city or village, a group child care home may be
19 issued a special use permit, conditional use permit, or other
20 similar permit.

21 (6) A licensed or registered family or group child care home
22 that operated before March 30, 1989 is not required to comply with
23 the requirements of this section.

24 (7) The requirements of this section ~~shall not prevent~~**DO NOT**
25 **PROHIBIT** a local unit of government from inspecting and enforcing a
26 family or group child care home for the home's compliance with the
27 local unit of government's zoning ordinance. For a county or

1 township, an ordinance shall not be more restrictive for a family
2 or group child care home than as provided under 1973 PA 116, MCL
3 722.111 to 722.128.

4 (8) The subsequent establishment of any of the facilities
5 listed under subsection (4)(a) ~~will~~**DOES** not affect any subsequent
6 special use permit renewal, conditional use permit renewal, or
7 other similar permit renewal pertaining to the group child care
8 home.

9 (9) The requirements of this section ~~shall~~**DO** not prevent a
10 local unit of government from issuing a special use permit,
11 conditional use permit, or other similar permit to a licensed or
12 registered group child care home that does not meet the standards
13 listed under subsection (4).

14 (10) The distances required under subsection (4)(a) shall be
15 measured along a road, street, or place maintained by this state or
16 a local unit of government and generally open to the public as a
17 matter of right for the purpose of vehicular traffic, not including
18 an alley.

19 Enacting section 1. This amendatory act takes effect 90 days
20 after the date it is enacted into law.