

SENATE BILL No. 203

March 12, 2015, Introduced by Senator SCHUITMAKER 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 **SUBSECTIONS (2) AND (3), BOTH OF THE FOLLOWING APPLY TO** a state
3 licensed residential facility:

4 **(A) IT** shall be considered a residential use of property for
5 the purposes of zoning and a permitted use in all residential
6 zones. ~~and~~

7 **(B) IT** is not subject to a special use or conditional use
8 permit or procedure different from those required for other
9 dwellings of similar density in the same zone.

10 (2) Subsection (1) does not apply to adult foster care
11 facilities licensed by a state agency for care and treatment of

1 persons released from or assigned to adult correctional
2 institutions.

3 (3) SUBSECTION (1) (B) DOES NOT APPLY TO AN ADULT FOSTER CARE
4 FACILITY LICENSED UNDER THE ADULT FOSTER CARE FACILITY LICENSING
5 ACT, 1979 PA 218, MCL 400.701 TO 400.737, IF ESTABLISHED AFTER THE
6 EFFECTIVE DATE OF THE 2015 AMENDATORY ACT THAT ADDED THIS
7 SUBSECTION, WITHIN A CITY OR VILLAGE, AND WITHIN 1,500 FEET OF AN
8 EXISTING LICENSED ADULT FOSTER CARE FACILITY.

9 (4) ~~(3)~~—For a county or township, a family child care home is
10 considered a residential use of property for the purposes of zoning
11 and a permitted use in all residential zones and is not subject to
12 a special use or conditional use permit or procedure different from
13 those **THAT ARE** required for other dwellings of similar density in
14 the same zone.

15 (5) ~~(4)~~—For a county or township, a group child care home
16 shall be issued a special use permit, conditional use permit, or
17 other similar permit if the group child care home meets all of the
18 following standards:

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

21 (i) Another licensed group child care home.

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

25 (iii) A facility offering **A** substance ~~abuse treatment and~~
26 ~~rehabilitation service~~ **USE DISORDER SERVICES PROGRAM** to 7 or more
27 people licensed under article 6 of the public health code, 1978 PA

1 368, MCL ~~333.6101 to 333.6523~~ **333.6230 TO 333.6251.**

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

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

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

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

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

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

19 (6) ~~(5)~~ For a city or village, a group child care home may be
20 issued a special use permit, conditional use permit, or other
21 similar permit.

22 (7) ~~(6)~~ A licensed or registered family or group child care
23 home that operated before March 30, 1989 is not required to comply
24 with the requirements of this section.

25 (8) ~~(7)~~ ~~The requirements of this section shall not prevent~~
26 **THIS SECTION DOES NOT PROHIBIT** a local unit of government from
27 inspecting and enforcing a family or group child care home for the

1 home's compliance with the local unit of government's zoning
2 ordinance. For a county or township, an ordinance shall not be more
3 restrictive for a family or group child care home than as provided
4 under 1973 PA 116, MCL 722.111 to 722.128.

5 (9) ~~(8)~~—The subsequent establishment of any of the facilities
6 listed under subsection ~~(4)(a) will~~ **(5) (A) DOES** not affect any
7 subsequent special use permit renewal, conditional use permit
8 renewal, or other similar permit renewal pertaining to the group
9 child care home.

10 (10) ~~(9) The requirements of this section shall not prevent~~
11 **THIS SECTION DOES NOT PROHIBIT** a local unit of government from
12 issuing a special use permit, conditional use permit, or other
13 similar permit to a licensed or registered group child care home
14 that does not meet the standards listed under subsection ~~(4)(5)~~.

15 (11) ~~(10)~~—The distances required under ~~subsection (4)(a)~~
16 **SUBSECTIONS (3) AND (5) (A)** shall be measured along a road, street,
17 or place maintained by this state or a local unit of government and
18 generally open to the public as a matter of right for the purpose
19 of vehicular traffic, not including an alley.

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