

HOUSE BILL NO. 5981

March 24, 2022, Introduced by Reps. Anthony, Whiteford, Green, Wakeman, Brann, Kahle, Brenda Carter, Young, Pohutsky, Tyrone Carter and O'Malley and referred to the Committee on Families, Children, and Seniors.

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 102 and 206 (MCL 125.3102 and 125.3206), section 102 as amended by 2008 PA 12 and section 206 as amended by 2018 PA 513.

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,

1 including, but not limited to, forage and sod crops, grains, feed
2 crops, field crops, dairy products, poultry and poultry products,
3 livestock, herbs, flowers, seeds, grasses, nursery stock, fruits,
4 vegetables, Christmas trees, and other similar uses and activities.

5 (b) "Airport" means an airport licensed ~~by the Michigan~~
6 ~~department of transportation, bureau of aeronautics~~ under section
7 86 of the aeronautics code of the state of Michigan, 1945 PA 327,
8 MCL 259.86.

9 (c) "Airport approach plan" and "airport layout plan" mean a
10 plan, or an amendment to a plan, filed with the zoning commission
11 under section 151 of the aeronautics code of the state of Michigan,
12 1945 PA 327, MCL 259.151.

13 (d) "Airport manager" means that term as defined in section 2
14 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL
15 259.2.

16 (e) "Airport zoning regulations" means airport zoning
17 regulations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL
18 259.431 to 259.465, for an airport hazard area that lies in whole
19 or part in the area affected by a zoning ordinance under this act.

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

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

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

27 (i) "Development rights ordinance" means an ordinance, which
28 may comprise part of a zoning ordinance, adopted under section 507.

29 (j) "Family child care home" and "group child care home" mean

1 those terms as defined in section 1 of 1973 PA 116, MCL 722.111,
2 and only apply to the bona fide private residence of the operator
3 of the family or group child care home.

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

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

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

19 (n) "Legislative body" means the county board of commissioners
20 of a county, the board of trustees of a township, or the council or
21 other similar elected governing body of a city or village.

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

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

28 (q) "Person" means an individual, partnership, corporation,
29 association, governmental entity, or other legal entity.

1 (r) "Population" means the population according to the most
2 recent federal decennial census or according to a special census
3 conducted under section 7 of the Glenn Steil state revenue sharing
4 act of 1971, 1971 PA 140, MCL 141.907, whichever is ~~the more~~
5 ~~recent~~.later.

6 (s) "Qualified residential treatment program" means that term
7 as defined in section 1 of 1973 PA 116, MCL 722.111.

8 (t) ~~(s)~~"Site plan" includes the documents and drawings
9 required by the zoning ordinance to ensure that a proposed land use
10 or activity is in compliance with local ordinances and state and
11 federal statutes.

12 (u) ~~(t)~~"State licensed residential facility" means a
13 structure constructed for residential purposes that is licensed by
14 the state under the adult foster care facility licensing act, 1979
15 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to
16 722.128, and provides residential services for 6 or fewer
17 individuals under 24-hour supervision or care.

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

25 (w) ~~(v)~~"Zoning commission" means a zoning commission as
26 described under section 301.

27 (x) ~~(w)~~"Zoning jurisdiction" means the area encompassed by
28 the legal boundaries of a city or village or the area encompassed
29 by the legal boundaries of a county or township outside the limits

1 of incorporated cities and villages. The zoning jurisdiction of a
2 county does not include the areas subject to a township zoning
3 ordinance.

4 Sec. 206. (1) Except as provided in subsection (2), each of
5 the following is a residential use of property for the purposes of
6 zoning and a permitted use in all residential zones and is not
7 subject to a special use or conditional use permit or procedure
8 different from those required for other dwellings of similar
9 density in the same zone:

10 (a) ~~(i)~~—A state licensed residential facility.

11 (b) ~~(ii)~~—A facility in use as described in section 3(4)(k) of
12 the adult foster care facility licensing act, 1979 PA 218, MCL
13 400.703.

14 (c) **A qualified residential treatment program.**

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

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

25 (4) For a county or township, a group child care home shall be
26 issued a special use permit, conditional use permit, or other
27 similar permit if the group child care home meets all of the
28 following standards:

29 (a) Is located not closer than 1,500 feet to any of the

1 following:

2 (i) Another licensed group child care home.

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

6 (iii) A facility offering substance use disorder services to 7
7 or more people that is licensed under part 62 of the public health
8 code, 1978 PA 368, MCL 333.6230 to 333.6251.

9 (iv) A community correction center, resident home, halfway
10 house, or other similar facility that houses an inmate population
11 under the jurisdiction of the department of corrections.

12 (b) Has appropriate fencing for the safety of the children in
13 the group child care home as determined by the local unit of
14 government.

15 (c) Maintains the property consistent with the visible
16 characteristics of the neighborhood.

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

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

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

26 (5) For a city or village, a group child care home may be
27 issued a special use permit, conditional use permit, or other
28 similar permit.

29 (6) A licensed or registered family or group child care home

1 that operated before March 30, 1989 is not required to comply with
2 this section.

3 (7) This section does not prohibit a local unit of government
4 from inspecting a family or group child care home for the home's
5 compliance with and enforcing the local unit of government's zoning
6 ordinance. For a county or township, an ordinance shall not be more
7 restrictive for a family or group child care home than 1973 PA 116,
8 MCL 722.111 to 722.128.

9 (8) The establishment of any of the facilities listed under
10 subsection (4) (a) after issuance of a special use permit,
11 conditional use permit, or other similar permit pertaining to the
12 group child care home does not affect renewal of that permit.

13 (9) This section does not prohibit a local unit of government
14 from issuing a special use permit, conditional use permit, or other
15 similar permit to a licensed group child care home that does not
16 meet the standards listed under subsection (4).

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