

SENATE BILL No. 744

January 10, 2018, Introduced by Senators MARLEAU, MACGREGOR, KNOLLENBERG, NOFS, STAMAS, KOWALL, JONES, GREGORY and SCHMIDT 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 a state licensed residential facility ~~shall be considered OR A~~
3 **FACILITY DESCRIBED IN SECTION 3(4)(K) OF THE ADULT FOSTER CARE**
4 **FACILITY LICENSING ACT, 1979 PA 218, MCL 400.703, IS** a residential
5 use of property for the purposes of zoning and a permitted use in
6 all residential zones and is not subject to a special use or
7 conditional use permit or procedure different from those required
8 for other dwellings of similar density in the same zone.

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

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

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

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

17 (i) Another licensed group child care home.

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

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

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

1 (b) Has appropriate fencing for the safety of the children in
2 the group child care home as determined by the local unit of
3 government.

4 (c) Maintains the property consistent with the visible
5 characteristics of the neighborhood.

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

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

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

15 (5) For a city or village, a group child care home may be
16 issued a special use permit, conditional use permit, or other
17 similar permit.

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

21 ~~(7) The requirements of this section shall not prevent~~**THIS**
22 **SECTION DOES NOT PROHIBIT** a local unit of government from
23 inspecting ~~and enforcing~~ a family or group child care home for the
24 ~~home's~~**HOME'S** compliance with **AND ENFORCING** the local unit of
25 ~~government's~~**GOVERNMENT'S** zoning ordinance. For a county or
26 township, an ordinance shall not be more restrictive for a family
27 or group child care home than ~~as provided under~~ 1973 PA 116, MCL

1 722.111 to 722.128.

2 (8) The ~~subsequent~~ establishment of any of the facilities
3 listed under subsection (4)(a) ~~will not affect any subsequent~~ **AFTER**
4 **ISSUANCE OF A** special use permit, ~~renewal~~, conditional use permit,
5 ~~renewal~~, or other similar permit ~~renewal~~ pertaining to the group
6 child care home **DOES NOT AFFECT RENEWAL OF THAT PERMIT.**

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

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

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

19 Enacting section 2. This amendatory act does not take effect
20 unless Senate Bill No. 745

21 of the 99th Legislature is enacted into law.