

SENATE BILL No. 177

February 28, 1989, Introduced by Senators FAXON, DILLINGHAM, GEAKE and POLLACK and referred to the Committee on Human Resources and Senior Citizens.

A bill to amend Act No. 207 of the Public Acts of 1921,
entitled as amended

"An act to provide for the establishment in cities and villages of districts or zones within which the use of land and structures, the height, the area, the size, and location of buildings may be regulated by ordinance, and within which districts regulations shall be established for the light and ventilation of those buildings, and within which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property which does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for amendments, supplements, or changes hereto; to provide for conflict with the state housing code or other acts, ordinances, or regulations; and to provide penalties for the violation of the terms of this act,"

as amended, being sections 125.581 to 125.592 of the Michigan
Compiled Laws, by adding section 3c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 207 of the Public Acts of 1921, as
2 amended, being sections 125.581 to 125.592 of the Michigan
3 Compiled Laws, is amended by adding section 3c to read as
4 follows:

5 SEC. 3C. (1) AS USED IN THIS SECTION, "FAMILY DAY-CARE
6 HOME" AND "GROUP DAY-CARE HOME" MEAN THOSE TERMS AS DEFINED IN
7 SECTION 1 OF ACT NO. 116 OF THE PUBLIC ACTS OF 1973, BEING SEC-
8 TION 722.111 OF THE MICHIGAN COMPILED LAWS, AND ONLY APPLY TO THE
9 BONA FIDE PRIVATE RESIDENCE OF THE OPERATOR OF THE FAMILY OR
10 GROUP DAY-CARE HOME.

11 (2) A FAMILY DAY-CARE HOME LICENSED OR REGISTERED UNDER ACT
12 NO. 116 OF THE PUBLIC ACTS OF 1973, BEING SECTIONS 722.111 TO
13 722.128 OF THE MICHIGAN COMPILED LAWS, SHALL BE CONSIDERED A RES-
14 IDENTIAL USE OF PROPERTY FOR THE PURPOSES OF ZONING AND A PERMIT-
15 TED USE IN ALL RESIDENTIAL ZONES, INCLUDING THOSE ZONED FOR
16 SINGLE FAMILY DWELLINGS, AND SHALL NOT BE SUBJECT TO A SPECIAL
17 USE OR CONDITIONAL USE PERMIT OR PROCEDURE DIFFERENT FROM THOSE
18 REQUIRED FOR OTHER DWELLINGS OF SIMILAR DENSITY IN THE SAME
19 ZONE.

20 (3) A GROUP DAY-CARE HOME LICENSED OR REGISTERED UNDER ACT
21 NO. 116 OF THE PUBLIC ACTS OF 1973 SHALL BE ISSUED A SPECIAL USE
22 PERMIT, CONDITIONAL USE PERMIT, OR OTHER SIMILAR PERMIT IF THE
23 GROUP DAY-CARE HOME MEETS THE FOLLOWING STANDARDS:

24 (A) IS LOCATED NOT CLOSER THAN 1,500 FEET TO ANY OF THE
25 FOLLOWING:

26 (i) ANOTHER LICENSED GROUP DAY-CARE HOME.

1 (ii) AN ADULT FOSTER CARE SMALL GROUP HOME OR LARGE GROUP
2 HOME LICENSED UNDER THE ADULT FOSTER CARE FACILITY LICENSING ACT,
3 ACT NO. 218 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 400.701 TO
4 400.737 OF THE MICHIGAN COMPILED LAWS.

5 (iii) A FACILITY OFFERING SUBSTANCE ABUSE TREATMENT AND
6 REHABILITATION SERVICE TO 7 OR MORE PEOPLE LICENSED UNDER ARTICLE
7 6 OF THE PUBLIC HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF
8 1978, BEING SECTIONS 333.6101 TO 333.6523 OF THE MICHIGAN
9 COMPILED LAWS.

10 (iv) A COMMUNITY CORRECTION CENTER, RESIDENT HOME, HALFWAY
11 HOUSE, OR OTHER SIMILAR FACILITY THAT HOUSES AN INMATE POPULATION
12 UNDER THE JURISDICTION OF THE DEPARTMENT OF CORRECTIONS.

13 (B) HAS APPROPRIATE FENCING FOR THE SAFETY OF THE CHILDREN
14 IN THE GROUP DAY-CARE HOME AS DETERMINED BY THE CITY OR VILLAGE.

15 (C) MAINTAINS THE PROPERTY CONSISTENT WITH THE VISIBLE CHAR-
16 ACTERISTICS OF THE NEIGHBORHOOD.

17 (D) MEETS REGULATIONS OF THE CITY OR VILLAGE, IF ANY, GOV-
18 ERNING SIGNS USED BY A GROUP DAY-CARE HOME TO IDENTIFY ITSELF.

19 (E) MEETS REGULATIONS OF THE CITY OR VILLAGE, IF ANY,
20 REQUIRING A GROUP DAY-CARE HOME OPERATOR TO PROVIDE OFF-STREET
21 PARKING ACCOMMODATIONS FOR HIS OR HER EMPLOYEES.

22 (F) DOES NOT EXCEED 16 HOURS OF OPERATION DURING A 24-HOUR
23 PERIOD. THE CITY OR VILLAGE MAY LIMIT BUT NOT PROHIBIT THE OPER-
24 ATION OF A GROUP DAY-CARE HOME BETWEEN THE HOURS OF 10 P.M. AND
25 6 A.M.

26 (4) THIS SECTION DOES NOT PREVENT A CITY OR VILLAGE FROM
27 INSPECTING A FAMILY OR GROUP DAY-CARE HOME FOR THE HOME'S

1 COMPLIANCE WITH THE CITY'S OR VILLAGE'S ORDINANCE AND ENFORCING
2 THE CITY'S OR VILLAGE'S ORDINANCE, IF THE ORDINANCE IS NOT MORE
3 RESTRICTIVE FOR THAT HOME THAN ACT NO. 116 OF THE PUBLIC ACTS OF
4 1973 OR RULES PROMULGATED PURSUANT TO ACT NO. 116 OF THE PUBLIC
5 ACTS OF 1973.

6 (5) A FAMILY OR GROUP DAY-CARE HOME LICENSED OR REGISTERED
7 UNDER ACT NO. 116 OF THE PUBLIC ACTS OF 1973 THAT IS IN OPERATION
8 ON THE DAY BEFORE THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
9 ADDED THIS SECTION IS NOT REQUIRED TO COMPLY WITH THE REQUIRE-
10 MENTS OF THIS SECTION.

11 (6) THE ESTABLISHMENT OF ANY OF THE FACILITIES LISTED IN
12 SUBSECTION (3)(A)(i) TO (iv) WITHIN 1,500 FEET OF A GROUP
13 DAY-CARE HOME LICENSED OR REGISTERED UNDER ACT NO. 116 OF THE
14 PUBLIC ACTS OF 1973 AFTER ISSUANCE OF A SPECIAL USE PERMIT, CON-
15 DITIONAL USE PERMIT, OR OTHER SIMILAR PERMIT FOR THE GROUP
16 DAY-CARE HOME UNDER SUBSECTION (3) DOES 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
19 HOME.

20 (7) THIS SECTION DOES NOT PREVENT A CITY OR VILLAGE FROM
21 ISSUING A SPECIAL USE PERMIT, CONDITIONAL USE PERMIT, OR OTHER
22 SIMILAR PERMIT TO A LICENSED OR REGISTERED GROUP DAY-CARE HOME
23 THAT DOES NOT MEET THE STANDARDS LISTED IN SUBSECTION (3).

24 (8) THE DISTANCE SPECIFIED IN SUBSECTIONS (3)(A) AND (6)
25 SHALL BE MEASURED ALONG A ROAD, STREET, OR PLACE MAINTAINED BY
26 THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE AND GENERALLY

- 1 OPEN TO USE BY THE PUBLIC AS A MATTER OF RIGHT FOR THE PURPOSE OF
- 2 VEHICULAR TRAFFIC, NOT INCLUDING AN ALLEY.