

# HOUSE BILL No. 5459

January 29, 1992, Introduced by Rep. Hertel and referred to the Committee on Towns and Counties.

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

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

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

25       (i) ANOTHER LICENSED GROUP DAY CARE HOME.

26       (ii) AN ADULT FOSTER CARE SMALL GROUP HOME OR LARGE GROUP  
27 HOME LICENSED UNDER THE ADULT FOSTER CARE FACILITY LICENSING ACT,

1 ACT NO. 218 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 400.701 TO  
2 400.737 OF THE MICHIGAN COMPILED LAWS.

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

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

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

13 (C) MAINTAINS THE PROPERTY CONSISTENT WITH THE VISIBLE CHAR-  
14 ACTERISTICS OF THE NEIGHBORHOOD.

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

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

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

24 (4) THIS SECTION DOES NOT PREVENT A CITY OR VILLAGE FROM  
25 INSPECTING A FAMILY DAY CARE HOME OR GROUP DAY CARE HOME FOR THE  
26 HOME'S COMPLIANCE WITH THE CITY'S OR VILLAGE'S ORDINANCE AND  
27 ENFORCING THE CITY'S OR VILLAGE'S ORDINANCE, IF THE ORDINANCE IS

1 NOT MORE RESTRICTIVE FOR THAT HOME THAN ACT NO. 116 OF THE PUBLIC  
2 ACTS OF 1973 OR RULES PROMULGATED PURSUANT TO ACT NO. 116 OF THE  
3 PUBLIC ACTS OF 1973.

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

9 (6) THE ESTABLISHMENT OF A FACILITY LISTED IN SUBSECTION  
10 (3)(A)(i) TO (iv) WITHIN 1,500 FEET OF A LICENSED GROUP DAY CARE  
11 HOME AFTER THE GROUP DAY CARE HOME IS ISSUED A SPECIAL USE  
12 PERMIT, CONDITIONAL USE PERMIT, OR OTHER SIMILAR PERMIT DOES NOT  
13 AFFECT A SUBSEQUENT SPECIAL USE PERMIT RENEWAL, CONDITIONAL USE  
14 PERMIT RENEWAL, OR OTHER SIMILAR PERMIT RENEWAL PERTAINING TO THE  
15 GROUP DAY CARE HOME.

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

20 (8) THE DISTANCE SPECIFIED IN SUBSECTIONS (3)(A) AND (6)  
21 SHALL BE MEASURED ALONG A ROAD, STREET, OR PLACE MAINTAINED BY  
22 THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE AND GENERALLY  
23 OPEN TO USE BY THE PUBLIC AS A MATTER OF RIGHT FOR THE PURPOSE OF  
24 VEHICULAR TRAFFIC, NOT INCLUDING AN ALLEY.