

HOUSE BILL No. 6400

September 26, 2018, Introduced by Reps. Noble and Liberati and referred to the Committee on Families, Children, and Seniors.

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~~ **EACH OF**
3 **THE FOLLOWING IS** a residential use of property for the purposes of
4 zoning and a permitted use in all residential zones and is not
5 subject to a special use or conditional use permit or procedure
6 different from those required for other dwellings of similar
7 density in the same zone: -

8 (i) **A STATE LICENSED RESIDENTIAL FACILITY.**

House Bill No. 6400 as amended December 18, 2018

(ii) A FACILITY <<IN USE AS>> DESCRIBED IN SECTION 3(4)(K) OF THE ADULT

FOSTER CARE FACILITY LICENSING ACT, 1979 PA 218, MCL 400.703.

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

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

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

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

(i) Another licensed group child care home.

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

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

(iv) A community correction center, resident home, halfway

1 house, or other similar facility ~~which~~ **THAT** houses an inmate
2 population under the jurisdiction of the department of corrections.

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

6 (c) Maintains the property consistent with the visible
7 characteristics of the neighborhood.

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

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

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

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

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

23 ~~(7) The requirements of this section shall not prevent~~ **THIS**
24 **SECTION DOES NOT PROHIBIT** a local unit of government from
25 inspecting ~~and enforcing~~ a family or group child care home for the
26 ~~home's~~ **HOME'S** compliance with **AND ENFORCING** the local unit of
27 ~~government's~~ **GOVERNMENT'S** zoning ordinance. For a county or

1 township, an ordinance shall not be more restrictive for a family
2 or group child care home than ~~as provided under~~ 1973 PA 116, MCL
3 722.111 to 722.128.

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

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

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

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

21 Enacting section 2. This amendatory act does not take effect
22 unless House Bill No. 5505 of the 99th Legislature is enacted into
23 law.