

COUNTY ZONING ACT (EXCERPT)
Act 183 of 1943

***** 125.216g THIS SECTION IS REPEALED BY ACT 110 OF 2006 EFFECTIVE JULY 1, 2006 *****

125.216g Family day-care home as residential use of property; issuance of permits for group day-care home meeting certain standards; inspection; compliance; subsequent establishment of certain facilities; permit for group day-care home not meeting certain standards; measurement of distances.

Sec. 16g. (1) As used in this section, "family day-care home" and "group day-care home" mean those terms as defined in section 1 of Act No. 116 of the Public Acts of 1973, being section 722.111 of the Michigan Compiled Laws, and only apply to the bona fide private residence of the operator of the family or group day-care home.

(2) A family day-care home licensed or registered under Act No. 116 of the Public Acts of 1973, being sections 722.111 to 722.128 of the Michigan Compiled Laws, shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single family dwellings, and shall not be 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.

(3) A group day-care home licensed or registered under Act No. 116 of the Public Acts of 1973 shall be issued a special use permit, conditional use permit, or other similar permit if the group day-care home meets the following standards:

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

(i) Another licensed group day-care home.

(ii) Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws.

(iii) A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.6101 to 333.6523 of the Michigan Compiled Laws.

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

(b) Has appropriate fencing for the safety of the children in the group day-care home as determined by the county.

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

(d) Meets regulations, if any, governing signs used by a group day-care home to identify itself.

(e) Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.

(f) Does not exceed 16 hours of operation during a 24-hour period. The county may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.

(4) This section shall not prevent a county from inspecting a family or group day-care home for the home's compliance with the county's ordinance and enforcing the county's ordinance, if the ordinance is not more restrictive for that home than Act No. 116 of the Public Acts of 1973, being sections 722.111 to 722.128 of the Michigan Compiled Laws, or rules promulgated pursuant to Act No. 116 of the Public Acts of 1973.

(5) A licensed or registered family or group day-care home that has operated prior to the effective date of the amendatory act that added this section is not required to comply with the requirements of this section.

(6) The subsequent establishment of any of the facilities listed in subsection (3)(a)(i) to (iv) of this section, within 1,500 feet of the licensed or registered group day-care home will not affect any subsequent special use permit renewal, conditional use permit renewal, or other similar permit renewal pertaining to the group day-care home.

(7) This section shall not prevent a county from issuing a special use permit, conditional use permit, or other similar permit to a licensed or registered group day-care home that does not meet the standards listed in subsection (3)(a) to (f).

(8) The distances specified in subsections (3)(a) and (6) shall be measured along a road, street, or place maintained by this state or a political subdivision of this state and generally open to use by the public as a matter of right for the purpose of vehicular traffic, not including an alley.

History: Add. 1988, Act 447, Eff. Mar. 30, 1989.

Administrative rules: R 400.1301 et seq. of the Michigan Administrative Code.