

HOUSE BILL No. 6268

November 13, 1990, Introduced by Rep. Law and referred to the Committee on Social Services and Youth.

A bill to amend section 16a of Act No. 183 of the Public Acts of 1943, entitled as amended
"The county rural zoning enabling act,"
being section 125.216a of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 16a of Act No. 183 of the Public Acts of
2 1943, being section 125.216a of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 16a. (1) As used in this section: ~~—, "state"~~

5 (A) "COMMUNITY" MEANS A SINGLE 5-DIGIT ZIP CODE AREA AS
6 DETERMINED BY THE UNITED STATES POSTAL SERVICE AND EXISTING ON
7 THE EFFECTIVE DATE OF THIS ACT.

8 (B) "STATE AGENCY" MEANS AN AGENCY AS DEFINED IN THE
9 ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC

1 ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN
2 COMPILED LAWS.

3 (C) "STATE FACILITY" MEANS A STRUCTURE CONTAINING MORE THAN
4 1,000 SQUARE FEET OF FLOOR SPACE THAT IS OWNED AND OPERATED BY A
5 STATE AGENCY.

6 (D) "STATE licensed residential facility" OR "RESIDENTIAL
7 FACILITY" means a structure constructed for residential purposes
8 that is licensed by the state pursuant to ~~Act No. 287 of the~~
9 ~~Public Acts of 1972, as amended, being sections 331.681 to~~
10 ~~331.694~~ THE ADULT FOSTER CARE FACILITY LICENSING ACT, ACT
11 NO. 218 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 400.701 TO
12 400.737 of the Michigan Compiled Laws, or Act No. 116 of the
13 Public Acts of 1973, as amended, being sections 722.111 to
14 722.128 of the Michigan Compiled Laws, ~~which~~ THAT provides
15 ~~resident services for 6 or less persons under~~ 24-hour supervi-
16 sion or care for 6 OR FEWER persons in need of that supervision
17 or care.

18 (2) In order to implement the policy of this state that per-
19 sons in need of community residential care shall not be excluded
20 by zoning from the benefits of normal residential surroundings, a
21 state licensed residential facility ~~providing supervision or~~
22 ~~care, or both, to 6 or less persons~~ shall be considered a resi-
23 dential use of property for the purposes of zoning and a permit-
24 ted use in all residential zones, including those zoned for
25 single family dwellings, and shall not be subject to a special
26 use or conditional use permit or procedure different from those

1 required for other dwellings of similar density in the same
2 zone.

3 (3) This section ~~shall~~ DOES not apply to adult foster care
4 facilities licensed by a state agency for care and treatment of
5 persons released from or assigned to adult correctional
6 institutions.

7 (4) At least 45 days before licensing a residential facility
8 described in subsection (1), the state licensing agency shall
9 notify the county board of commissioners or its designated agency
10 of the county where the proposed RESIDENTIAL facility is to be
11 located to review the number of existing or proposed similar
12 state licensed residential facilities whose property lines are
13 within a 1,500 foot radius of the property lines of the location
14 of the ~~applicant~~ PROPOSED RESIDENTIAL FACILITY. The county
15 board of commissioners of a county or an agency of the county to
16 which the authority is delegated may, when a proposed RESIDENTIAL
17 facility is to be located within the county, give appropriate
18 notification of the proposal to license the RESIDENTIAL facility
19 to those residents whose property lines are within a 1,500 foot
20 radius of the property lines of the proposed RESIDENTIAL
21 facility. A state licensing agency shall not license a proposed
22 residential facility when another state licensed residential
23 facility exists within the 1,500 foot radius, unless permitted by
24 local zoning ordinances, of the proposed location, WHEN A STATE
25 FACILITY IS LOCATED WITHIN THE SAME COMMUNITY AS THE PROPOSED
26 RESIDENTIAL FACILITY, or when the issuance of the license would
27 substantially contribute to an excessive concentration of state

1 licensed residential facilities within the county. This
2 subsection ~~shall~~ DOES not apply to state licensed residential
3 facilities caring for 4 or ~~less~~ FEWER minors.

4 (5) This section ~~shall~~ DOES not apply to a state licensed
5 residential facility licensed before March 31, 1977, or to a res-
6 idential facility ~~which~~ THAT was in the process of being devel-
7 oped and licensed before March 31, 1977, if approval had been
8 granted by the appropriate local governing body.

9 Section 2. This amendatory act shall not take effect unless
10 all of the following bills of the 85th Legislature are enacted
11 into law:

12 (a) Senate Bill No. ____ or House Bill No. 6269 (request
13 no. 02656'89).

14 (b) Senate Bill No. ____ or House Bill No. 6267 (request
15 no. 02656'89 b).