



HOUSE BILL No. 4467

February 23, 1995, Introduced by Rep. Law and referred to the Committee on Local Government.

A bill to amend section 3b of 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 and the height, area, size, and location of buildings may be regulated by ordinance, and for which districts regulations shall be established for the light and ventilation of those buildings, and for 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 that 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 in zoning ordinances, zones, or districts; to provide for conflict with the state housing code or other acts, ordinances, or regulations; and to provide sanctions for the violation of this act,"

as amended by Act No. 210 of the Public Acts of 1993, being section 125.583b of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3b of Act No. 207 of the Public Acts of
2 1921, as amended by Act No. 210 of the Public Acts of 1993, being
3 section 125.583b of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 3b. (1) As used in this section: ~~,"state"~~

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

10 (B) "STATE AGENCY" MEANS AN AGENCY AS DEFINED IN THE ADMIN-
11 ISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS
12 OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED
13 LAWS.

14 (C) "STATE FACILITY" MEANS A STRUCTURE CONTAINING MORE THAN
15 1,000 SQUARE FEET OF FLOOR SPACE THAT IS OWNED AND OPERATED BY A
16 STATE AGENCY.

17 (D) "STATE licensed residential facility" OR "RESIDENTIAL
18 FACILITY" means a structure constructed for residential purposes
19 that is licensed by the state pursuant to the adult foster care
20 facility licensing act, Act No. 218 of the Public Acts of 1979,
21 being sections 400.701 to 400.737 of the Michigan Compiled Laws,
22 or Act No. 116 of the Public Acts of 1973, ~~as amended,~~ being
23 sections 722.111 to 722.128 of the Michigan Compiled Laws, that
24 provides ~~resident services~~ 24-HOUR SUPERVISION or care for 6 or
25 fewer persons ~~under 24 hour supervision for persons~~ in need of
26 that supervision or care.

1 (2) ~~In order to~~ TO implement the policy of this state that
2 persons in need of community residential care shall not be
3 excluded by zoning from the benefits of normal residential sur-
4 roundings, a state licensed residential facility ~~providing~~
5 ~~supervision or care, or both, to 6 or less persons~~ shall be con-
6 sidered a residential use of property for the purposes of zoning
7 and a permitted use in all residential zones, including those
8 zoned for single family dwellings, and shall not be subject to a
9 special use or conditional use permit or procedure different from
10 those required for other dwellings of similar density in the same
11 zone.

12 (3) This section does not apply to adult foster care facili-
13 ties licensed by a state agency for care and treatment of persons
14 released from or assigned to adult correctional institutions.

15 (4) At least 45 days before licensing a residential facili-
16 ty, the state licensing agency shall notify the ~~council~~
17 LEGISLATIVE BODY of the city or village or the designated agency
18 of the city or village where the proposed RESIDENTIAL facility is
19 to be located to review the number of existing or proposed simi-
20 lar state licensed residential facilities whose property lines
21 are within a 1,500-foot radius of the property lines of the pro-
22 posed RESIDENTIAL facility. The ~~council~~ LEGISLATIVE BODY of
23 ~~a~~ THE city or village or an agency of the city or village to
24 which the authority is delegated ~~, when a proposed facility is~~
25 ~~to be located within the city or village,~~ shall give appropriate
26 notification of the proposal to license the RESIDENTIAL facility
27 to those residents whose property lines are within a 1,500-foot

1 radius of the property lines of the proposed RESIDENTIAL
2 facility. ~~A~~ UNLESS PERMITTED BY A LOCAL ZONING ORDINANCE, A
3 state licensing agency shall not license a proposed residential
4 facility if another ~~state-licensed~~ residential facility exists
5 within the 1,500-foot radius of the proposed location, unless
6 permitted by local zoning ordinances, IF A STATE FACILITY IS
7 LOCATED WITHIN THE SAME COMMUNITY AS THE PROPOSED RESIDENTIAL
8 FACILITY, or if the issuance of the license would substantially
9 contribute to an excessive concentration of ~~state-licensed~~ res-
10 idential facilities within the city or village. In a city with a
11 population of 1,000,000 or more, a state licensing agency shall
12 not license a proposed residential facility if another ~~state~~
13 ~~licensed~~ residential facility exists within a 3,000-foot radius
14 of the proposed location unless permitted by local zoning
15 ordinances. This subsection shall not apply to ~~state-licensed~~
16 residential facilities caring for 4 or fewer minors.

17 (5) This section does not apply to a state licensed residen-
18 tial facility licensed before March 31, 1977, or to a residential
19 facility that was in the process of being developed and licensed
20 before March 31, 1977 if approval was granted by the appropriate
21 local governing body before that date.