



HOUSE BILL No. 4468

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

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 THE AMENDATORY ACT THAT ADDED THIS
8 SUBDIVISION.

9 (B) "STATE AGENCY" MEANS AN AGENCY AS DEFINED IN THE
10 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~~ TO implement the policy of this state that
19 persons in need of community residential care shall not be
20 excluded by zoning from the benefits of normal residential sur-
21 roundings, a state licensed residential facility ~~providing~~
22 ~~supervision or care, or both, to 6 or less persons~~ shall be con-
23 sidered a residential use of property for the purposes of zoning
24 and a permitted use in all residential zones, including those
25 zoned for single family dwellings, and shall not be subject to a
26 special use or conditional use permit or procedure different from

1 those 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~~ THE county or an agency of the
16 county to which the authority is delegated may ~~, when a proposed~~
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~~ IF another state licensed residential
23 facility exists within the 1,500-foot radius OF THE PROPOSED
24 LOCATION, unless permitted by local zoning ordinances, ~~of the~~
25 ~~proposed location~~ IF A STATE FACILITY IS LOCATED WITHIN THE SAME
26 COMMUNITY AS THE PROPOSED RESIDENTIAL FACILITY, or ~~when~~ IF the
27 issuance of the license would substantially contribute to an

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

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