



# HOUSE BILL No. 4469

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

A bill to amend section 16a of Act No. 184 of the Public Acts of 1943, entitled as amended  
"The township rural zoning act,"  
being section 125.286a of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 16a of Act No. 184 of the Public Acts of  
2 1943, being section 125.286a 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  
8 facility, ~~described in subsection (1),~~ the state licensing  
9 agency shall notify the TOWNSHIP board ~~of trustees~~ or its des-  
10 ignated agency of the township where the proposed RESIDENTIAL  
11 facility would be located to review the number of existing or  
12 proposed ~~similar~~ state licensed residential facilities whose  
13 property lines are within a 1,500 foot radius of the property  
14 lines of the location of the ~~applicant~~ PROPOSED RESIDENTIAL  
15 FACILITY. The TOWNSHIP board ~~of trustees~~ or an agency of the  
16 township to which the authority is delegated shall ~~, when a pro-~~  
17 ~~posed facility is to be located within the township,~~ give appro-  
18 priate notification of the proposal to license the RESIDENTIAL  
19 facility to those residents whose property lines are within a  
20 1,500 foot radius of the property lines of the proposed  
21 RESIDENTIAL facility. A state licensing agency shall not license  
22 a proposed residential facility ~~when~~ IF another state licensed  
23 residential facility exists within the 1,500 foot radius OF THE  
24 PROPOSED LOCATION, unless permitted by local zoning ordinances,  
25 ~~or the proposed location~~ IF A STATE FACILITY IS LOCATED WITHIN  
26 THE SAME COMMUNITY AS THE PROPOSED RESIDENTIAL FACILITY, or  
27 ~~when~~ IF the issuance of the license would substantially

1 contribute to an excessive concentration of ~~state licensed~~  
2 residential facilities within the township. This subsection  
3 ~~shall~~ DOES not apply to ~~state licensed~~ residential facilities  
4 caring for 4 or ~~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 BEFORE THAT  
10 DATE.