

COUNTY ZONING ACT (EXCERPT)
Act 183 of 1943

***** 125.216a THIS SECTION IS REPEALED BY ACT 110 OF 2006 EFFECTIVE JULY 1, 2006 *****

125.216a “State licensed residential facility” defined; state licensed residential facility considered residential use and permitted use; provisions inapplicable to adult foster care facilities; review by county board of commissioners; notice to residents; denial of license; exceptions.

Sec. 16a. (1) As used in this section, “state licensed residential facility” means a structure constructed for residential purposes that is licensed by the state pursuant to Act No. 287 of the Public Acts of 1972, as amended, being sections 331.681 to 331.694 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973, as amended, being sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services for 6 or less persons under 24-hour supervision or care for persons in need of that supervision or care.

(2) In order to implement the policy of this state that persons in need of community residential care shall not be excluded by zoning from the benefits of normal residential surroundings, a state licensed residential facility providing supervision or care, or both, to 6 or less persons 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) This section shall not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

(4) At least 45 days before licensing a residential facility described in subsection (1), the state licensing agency shall notify the county board of commissioners or its designated agency of the county where the proposed facility is to be located to review the number of existing or proposed similar state licensed residential facilities whose property lines are within a 1,500 foot radius of the property lines of the location of the applicant. The county board of commissioners of a county or an agency of the county to which the authority is delegated may, when a proposed facility is to be located within the county, give appropriate notification of the proposal to license the facility to those residents whose property lines are within a 1,500 foot radius of the property lines of the proposed facility. A state licensing agency shall not license a proposed residential facility when another state licensed residential facility exists within the 1,500 foot radius, unless permitted by local zoning ordinances, of the proposed location or when the issuance of the license would substantially contribute to an excessive concentration of state licensed residential facilities within the county. This subsection shall not apply to state licensed residential facilities caring for 4 or less minors.

(5) This section shall not apply to a state licensed residential facility licensed before March 31, 1977, or to a residential facility which was in the process of being developed and licensed before March 31, 1977, if approval had been granted by the appropriate local governing body.

History: Add. 1976, Act 394, Eff. Mar. 31, 1977;—Am. 1977, Act 30, Imd. Eff. June 15, 1977.