

HOUSE BILL No. 5111

September 28, 1989, Introduced by Reps. Hollister, Wallace, Gubow, DeLange, Ciaramitaro and Leland and referred to the Committee on Towns and Counties.

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 licensed res-
5 idential facility" means a structure constructed for residential
6 purposes that is licensed by the state pursuant to ~~Act No. 287~~
7 ~~of the Public Acts of 1972, as amended, being sections 331.681 to~~
8 ~~331.694~~ THE ADULT FOSTER CARE FACILITY LICENSING ACT, ACT
9 NO. 218 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 400.701 TO
10 400.737 of the Michigan Compiled Laws, or Act No. 116 of the

1 Public Acts of 1973, as amended, being sections 722.111 to
2 722.128 of the Michigan Compiled Laws, which provides ~~resident~~
3 ~~services for 6 or less persons under~~ 24-hour supervision or care
4 for 6 OR FEWER persons in need of that supervision or care.

5 (2) In order to implement the policy of this state that per-
6 sons in need of community residential care shall not be excluded
7 by zoning from the benefits of normal residential surroundings, a
8 state licensed residential facility ~~providing supervision or~~
9 ~~care, or both, to 6 or less persons~~ shall be considered a resi-
10 dential use of property for the purposes of zoning and a permit-
11 ted use in all residential zones, including those zoned for
12 single family dwellings, and shall not be subject to a special
13 use or conditional use permit or procedure different from those
14 required for other dwellings of similar density in the same
15 zone.

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

20 ~~(4) At least 45 days before licensing a residential facil-~~
21 ~~ity described in subsection (1), the state licensing agency shall~~
22 ~~notify the county board of commissioners or its designated agency~~
23 ~~of the county where the proposed facility is to be located to~~
24 ~~review the number of existing or proposed similar state licensed~~
25 ~~residential facilities whose property lines are within a 1,500~~
26 ~~foot radius of the property lines of the location of the~~
27 ~~applicant. The county board of commissioners of a county or an~~

~~1 agency of the county to which the authority is delegated may,
2 when a proposed facility is to be located within the county, give
3 appropriate notification of the proposal to license the facility
4 to those residents whose property lines are within a 1,500 foot
5 radius of the property lines of the proposed facility. A state
6 licensing agency shall not license a proposed residential facil-
7 ity when another state licensed residential facility exists
8 within the 1,500 foot radius, unless permitted by local zoning
9 ordinances, of the proposed location or when the issuance of the
10 license would substantially contribute to an excessive concentra-
11 tion of state licensed residential facilities within the county.
12 This subsection shall not apply to state licensed residential
13 facilities caring for 4 or less minors.~~

~~14 (5) This section shall not apply to a state licensed resi-
15 dential facility licensed before March 31, 1977, or to a residen-
16 tial facility which was in the process of being developed and
17 licensed before March 31, 1977, if approval had been granted by
18 the appropriate local governing body.~~

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

22 (a) Senate Bill No. ____ or House Bill No. 5109 (request
23 no. 03702'89).

24 (b) Senate Bill No. ____ or House Bill No. 5112 (request
25 no. 03703'89).

26 (c) Senate Bill No. ____ or House Bill No. 5113 (request
27 no. 03704'89).

1 (d) Senate Bill No. _____ or House Bill No. 5114 (request
2 no. 03705'89 *).

3 (e) Senate Bill No. _____ or House Bill No. 5110 (request
4 no. 03706'89).