



HOUSE BILL No. 4950

July 13, 1993, Introduced by Rep. Saunders 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, the height, the area, the size, and location of buildings may be regulated by ordinance, and within which districts regulations shall be established for the light and ventilation of those buildings, and within 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 which 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 hereto; to provide for conflict with the state housing code or other acts, ordinances, or regulations; and to provide penalties for the violation of the terms of this act,"

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, being section 125.583b of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3b. (1) As used in this section, "state licensed resi-
5 dential 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
11 Public Acts of 1973, as amended, being sections 722.111 to
12 722.128 of the Michigan Compiled Laws, ~~which~~ THAT provides res-
13 ident services OR CARE for 6 or ~~less~~ FEWER persons under
14 24-hour supervision ~~or care~~ for persons in need of that super-
15 vision or care.

16 (2) In order to implement the policy of this state that per-
17 sons in need of community residential care shall not be excluded
18 by zoning from the benefits of normal residential surroundings, a
19 state licensed residential facility providing supervision or
20 care, or both, to 6 or less persons shall be considered a resi-
21 dential use of property for the purposes of zoning and a permit-
22 ted use in all residential zones, including those zoned for
23 single family dwellings, and shall not be subject to a special
24 use or conditional use permit or procedure different from those
25 required for other dwellings of similar density in the same
26 zone.

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

5 (4) At least 45 days before licensing a residential
6 facility, ~~described in subsection (1),~~ the state licensing
7 agency shall notify the council of the city or village or the
8 designated agency of the city or village where the proposed
9 facility is to be located to review the number of existing or
10 proposed similar state licensed residential facilities whose
11 property lines are within a 1,500-foot radius of the property
12 lines of the ~~location of the applicant~~ PROPOSED FACILITY. The
13 council of a city or village or an agency of the city or village
14 to which the authority is delegated, ~~shall,~~ when a proposed
15 facility is to be located within the city or village, SHALL give
16 appropriate notification of the proposal to license the facility
17 to those residents whose property lines are within a 1,500-foot
18 radius of the property lines of the proposed facility. A state
19 licensing agency shall not license a proposed residential facil-
20 ity ~~when~~ IF another state licensed residential facility exists
21 within the 1,500-foot radius OF THE PROPOSED LOCATION, unless
22 permitted by local zoning ordinances ~~, of the proposed location~~
23 or ~~when~~ IF the issuance of the license would substantially con-
24 tribute to an excessive concentration of state licensed residen-
25 tial facilities within the city or village. In a city with a
26 population of 1,000,000 or more a state licensing agency shall
27 not license a proposed residential facility ~~when~~ IF another

1 state licensed residential facility exists within a 3,000-foot
2 radius of the proposed location UNLESS PERMITTED BY LOCAL ZONING
3 ORDINANCES. This subsection shall not apply to state licensed
4 residential facilities 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~~ if approval ~~had~~
9 ~~been~~ WAS granted by the appropriate local governing body BEFORE
10 THAT DATE.