

[Newspaper Publication]

Summary of Ordinance No. 2012-03

Amendments to Chapter 30 of the 1984 Zoning Code of the City of Albion

The following is a summary of the amendment to Chapter 30 of the 1984 Zoning Code of the City of Albion, which was adopted by the City Council on February 21, 2012 and effective on March 21, 2012:

PURPOSE:

The purpose of the amendment to the Ordinance is to better address the proposed location of state licensed residential facilities in the R-1 and R-2 residential zoning districts.

SECTION CHANGES:

The following is added to Section 30-4 Definitions:

State-licensed residential facilities: Residential care facilities subject to state licensing requirements and definitions established under the Child Licensing Care Act – PA 116 of 1973, the Adult Foster Care Licensing Act – PA 218 of 1979 and the Michigan Zoning Enabling Act – PA 110 of 2006, as amended. (See: Adult day care and foster care facilities, child day care facilities and child foster care facilities.)

The following is added to Section 30-83 Compliance with standards required:

(i). For state licensed residential facilities the proposed home shall not be located closer than 1,500 feet to any other licensed facility subject to a special use permit, nor any substance abuse facility providing services to 7 or more people, or a community correction center, resident home, halfway house or other facility provided treatment or incarceration under the jurisdiction of the Department of Corrections.

The following is added to Section 30-133 Permitted uses (R-1):

(k). State licenses residential facilities, limited to no more than six (6) individuals.

The following is added to Section 30-133 Special uses (R-1):

(e). State licenses residential facilities, for more than six (6) but not more than twelve (12) individuals. Special use review shall include off street parking needs, building setbacks and buffering needs for adjoining properties and construction code and building maintenance issues.

The following is added to Section 30-148 Permitted uses (R-2):

- (i). State licensed residential facilities, limited to no more than six (6) individuals.

The following is added to Section 30-148 Special uses (R-2):

- (e). State licensed residential facilities, for more than six (6) but not more than twelve (12) individuals. Special use review shall include off street parking needs, building setbacks and buffering needs for adjoining properties and construction code and building maintenance issues.

A complete and true copy of the Ordinance Amendment to Chapter 30 of the 1984 Zoning Code of the City of Albion is on file and available for public inspection or copying at the office of the City Clerk located at: 112 W. Cass Street, Albion, MI 49224-1731.

CITY OF ALBION
ORDINANCE #2012-03

AN ORDINANCE TO AMEND CHAPTER 30 OF THE 1984 ZONING CODE OF THE CITY OF ALBION, BY AMENDING THE SECTION 30-4 DEFINITIONS AND BY AMENDING THE RESIDENTIAL ZONING DISTRICTS - R-1, AND R-2 TO ADDRESS STATE LICENSED RESIDENTIAL FACILITIES PROPOSED FOR THESE DISTRICTS

Findings and Purpose:

The Mayor and Council of the City of Albion, based upon recommendation by the Planning Commission, find that there is a need to amend the Residential Zoning Districts – R-1, and R-2 to better address the proposed location of state licensed residential facilities in these districts. Pursuant to P.A 110 of 2006, as amended, the Planning Commission held a public hearing on these proposed changes at their meeting on January 18, 2012 and are recommending the approval of the proposed amendments.

It is the intention of the City Council that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Albion, Michigan, and the Sections of this Ordinance may be renumbered to accomplish such intention.

THE CITY OF ALBION ORDAINS:

Section 1 – Title. An Ordinance to amend Chapter 30 of the 1984 Zoning Code of the City of Albion by amending Section 30-4 Definitions and by amending the Residential Zoning Districts – R-1, and R-2 to address state licensed residential facilities that our proposed for these districts.

Section 2.– Amendment.

A. Chapter 30 of the Zoning Code of the City of Albion is hereby amended to add the following definitions to Section 30-4 Definitions:

(Add): ***State-licensed residential facilities: Residential care facilities subject to state licensing requirements and definitions established under the Child Licensing Care Act - PA 116 of 1973, the Adult Foster Care Licensing Act - PA 218 of 1979 and the Michigan Zoning Enabling Act - PA 110 of 2006, as amended. (See: Adult day care and foster care facilities, child day care facilities and child foster care facilities.)***

Adult Day Care and Foster Care Facilities

A. *Adult Day Care Family Home:* A private home in which 1 but fewer than 7 adults are received for care and supervision for compensation for periods of less than 24 hours a day, except adults related to an adult member of the family by blood, marriage, or adoption.

B. *Adult Day Care Group Home:* A private home in which more than 6 but not more than 12 adults are given care and supervision for periods of less than 24 hours a day, except adults related to an adult member of the family by blood, marriage, or adoption.

C. *Adult Foster Care Family Home*: A private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days per week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household, and an occupant of the residence. Such use is considered a permitted use in any district that permits single family dwellings, subject to state licensing requirements. This use shall also include the definition for a State Licensed Residential Facility; defined as a structure constructed for residential purposes that is licensed by the state under the adult foster care licensing act and provides residential services for 6 or fewer individuals under 24-hour supervision or care.

D. *Adult Foster Care Small Group Home*: An adult foster care facility with the approved capacity to receive between 7 and 12 adults to be provided with foster care. Such use shall be established as a special exception use, subject to those same conditions and meet State licensing requirements.

E. *Limited Residential Care Facilities*: Includes adult day care or foster care, including adult foster care large group homes for between 13 to 20 adults, subject to statutory restrictions and State licensing requirements. This may include nursing homes, assisted living facilities and senior housing for up to 20 people. It is anticipated that these facilities would operate 24 hours per day.

F. *Full Residential Care Facilities*: Includes nursing homes, assisted living facilities and other congregate care and/or senior housing facilities for more than 20 adults. Such use shall include access to medical staff on a full-time or part-time basis. This definition shall include unlicensed residential facilities and those licensed by the State of Michigan. It does not include facilities providing treatment, such as substance abuse, or rehabilitation, such as halfway houses, or other uses regulated by the Department of Corrections.

Child Day Care Facilities

A. *Child Care Center*: A facility, other than a private residence, receiving one or more preschool or school-aged children for care for periods of less than 24 hours a day, where the parents or guardians are not immediately available to the child. Child Care Center or Day Care Center includes a facility that provides care for not less than 2 consecutive weeks regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, playground, or drop-in center. For purposes of this ordinance, such use shall be considered a limited or full residential care facility depending upon the number of children.

B. *Family Child Care Home*: A private home in which 1 but fewer than 7 minor children are received for care and supervision for compensation for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family child care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

C. *Group Child Care Home*: A private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group child care home includes a home in which care is given to an unrelated minor child for more than four weeks during a calendar year.

Child Foster Care Facilities

A. *Foster Family Home*: A private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage, or who are not

placed in the household under the Michigan adoption code, are provided care for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. Such use is considered a permitted use in any district that permits single family dwellings, subject to state licensing requirements

B. *Foster Family Group Home*: A private home in which more than 4 but not more than 7 minor children, who are not related to an adult member of the household by blood or marriage, or who are not placed in the household under the Michigan adoption code, are provided care for 24 hours per day, for more than 4 days per week, for 2 or more consecutive weeks, unattended by a parent, legal guardian, or legal custodian. Such use shall be established as a special exception use, subject to conditions and meet State licensing requirements.

B. Chapter 30 of the Zoning Code of the City of Albion is hereby amended by adding the following to Section 30-83 Compliance with standards required.:

(i) ***For state licensed residential facilities the proposed home shall not be located closer than 1,500 feet to any other licensed facility subject to a special use permit, nor any substance abuse facility providing services to 7 or more people, or a community correction center, resident home, halfway house or other facility provided treatment or incarceration under the jurisdiction of the Department of Corrections.***

C. Chapter 30 of the Zoning Code of the City of Albion is hereby amended by adding the following to Section 30-133 Permitted uses (R-1)

Amend (k) State licensed residential facilities, **limited to no more than six (6) individuals.**

D. Chapter 30 of the Zoning Code of the City of Albion is hereby amended by adding the following to Section 30-133 Special uses (R-1)

Amend (4) to add:

- e. State licensed residential facilities, for more than six (6) but not more than twelve (12) individuals. Special use review shall include off street parking needs, building setbacks and buffering needs for adjoining properties and construction code and building maintenance issues.

E. Chapter 30 of the Zoning Code of the City of Albion is hereby amended by adding the following to Section 30-148 Permitted uses (R-2)

Amend (l) State licensed residential facilities, **limited to no more than six (6) individuals.**

F. Chapter 30 of the Zoning Code of the City of Albion is hereby amended by adding the following to Section 30-148 Special uses (R-2)

Add

- e. State licensed residential facilities , for more than six (6) but not more than twelve (12) individuals. Special use review shall include off street parking needs, building

setbacks and buffering needs for adjoining properties and construction code and building maintenance issues.

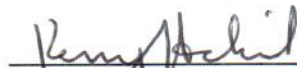
Section 3 – Severability. If any Section, sub-section, sentence, phrase or portion of this Amendment to the City of Albion Zoning Code of Ordinances is for any reasons held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 4 – Ordinances Repealed. All Sections or parts of Sections of this Zoning Code, Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. This Ordinance shall take effect after publication and on March 21, 2012.


First Reading:
February 6, 2012

Ayes 7
Nays 0
Absent 0


Kerry Helmick,
City Clerk

Second Reading & Adoption:
February 21, 2012

Ayes 7
Nays 0
Absent 0


Joseph V. Domingo,
Mayor