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BILL ANALYSIS

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House Bill 4398 (Substitute S-5 as reported by the Committee of the Whole)

Sponsor: Representative Kevin Elsenheimer

House Committee: Local Government and Urban Policy

Senate Committee: Natural Resources and Environmental Affairs

CONTENT

The bill would create the "Michigan Zoning Enabling Act" to do the following:

- Repeal the City and Village Zoning Act, the County Zoning Act, and the Township Zoning Act.
- Allow a local unit of government to provide by zoning ordinance for the regulation of land development.
- Allow the legislative body of a local unit to provide in a zoning ordinance for the completion, resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures.
- Allow a group day-care home in a city or village to be issued a special use permit, conditional use permit, or other similar permit.
- Require each local unit to create a zoning commission.
- Establish procedures for the adoption of a zoning ordinance or amendments.
- Provide for a coordinated zoning committee to coordinate a township zoning ordinance with the zoning ordinances of a local unit having a common boundary with the township.
- Allow a registered elector to file a petition in protest of a zoning ordinance.
- Require a legislative body to appoint a zoning board of appeals to hear and decide questions pertaining to the zoning ordinance.
- Allow a legislative body to adopt an interim zoning ordinance.
- Allow a legislative body to require the payment of reasonable fees for zoning permits.
- Allow a legislative body to adopt a development rights ordinance limited to the establishment, financing, and administration of a purchase of development rights program for the protection of agricultural and other eligible land.
- Authorize a zoning board of appeals to grant nonuse variances related to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of the zoning ordinance or to any other nonuse-related standard in the ordinance.
- Limit the authority to grant use variances to cities and villages; townships and counties that as of February 15, 2006, had an ordinance that used the phrase "use variance" or "variances from uses of land" expressly to authorize the zoning board of appeals to grant use variances; and townships and counties that granted a use variance before February 15, 2006.
- Require a two-thirds vote of the members of a zoning board of appeals for a use variance.

The bill would take effect on July 1, 2006.

Legislative Analyst: Julie Koval

FISCAL IMPACT

The bill would have a negligible effect on State and local revenue and expenditures.

Date Complete: 3-23-06

Fiscal Analyst: David Zin