

SENATE BILL NO. 1145

September 24, 2020, Introduced by Senators NESBITT and HOLLIER and referred to the Committee on Economic and Small Business Development.

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 102 and 207 (MCL 125.3102 and 125.3207), section 102 as amended by 2008 PA 12, and by adding section 206b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 102. As used in this act:

2 (a) "Agricultural land" means substantially undeveloped land
3 devoted to the production of plants and animals useful to humans,
4 including, but not limited to, forage and sod crops, grains, feed
5 crops, field crops, dairy products, poultry and poultry products,

1 livestock, herbs, flowers, seeds, grasses, nursery stock, fruits,
2 vegetables, Christmas trees, and other similar uses and activities.

3 (b) "Airport" means an airport licensed by the ~~Michigan~~
4 ~~department of state~~ transportation **department**, bureau of
5 aeronautics under section 86 of the aeronautics code of the state
6 of Michigan, 1945 PA 327, MCL 259.86.

7 (c) "Airport approach plan" and "airport layout plan" mean a
8 plan, or an amendment to a plan, filed with the zoning commission
9 under section 151 of the aeronautics code of the state of Michigan,
10 1945 PA 327, MCL 259.151.

11 (d) "Airport manager" means that term as defined in section 2
12 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL
13 259.2.

14 (e) "Airport zoning regulations" means airport zoning
15 regulations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL
16 259.431 to 259.465, for an airport hazard area that lies in whole
17 or part in the area affected by a zoning ordinance under this act.

18 (f) "Conservation easement" means that term as defined in
19 section 2140 of the natural resources and environmental protection
20 act, 1994 PA 451, MCL 324.2140.

21 (g) "Coordinating zoning committee" means a coordinating
22 zoning committee as described under section 307.

23 (h) "Development rights" means the rights to develop land to
24 the maximum intensity of development authorized by law.

25 (i) "Development rights ordinance" means an ordinance, which
26 may comprise part of a zoning ordinance, adopted under section 507.

27 (j) "Family child care home" and "group child care home" mean
28 those terms as defined in section 1 of 1973 PA 116, MCL 722.111,
29 and only apply to the bona fide private residence of the operator

1 of the family or group child care home.

2 (k) "Greenway" means a contiguous or linear open space,
3 including habitats, wildlife corridors, and trails, that links
4 parks, nature reserves, cultural features, or historic sites with
5 each other, for recreation and conservation purposes.

6 (l) "Improvements" means those features and actions associated
7 with a project that are considered necessary by the body or
8 official granting zoning approval to protect natural resources or
9 the health, safety, and welfare of the residents of a local unit of
10 government and future users or inhabitants of the proposed project
11 or project area, including roadways, lighting, utilities,
12 sidewalks, screening, and drainage. Improvements do not include the
13 entire project that is the subject of zoning approval.

14 (m) "Intensity of development" means the height, bulk, area,
15 density, setback, use, and other similar characteristics of
16 development.

17 (n) "Legislative body" means the county board of commissioners
18 of a county, the board of trustees of a township, or the council or
19 other similar elected governing body of a city or village.

20 (o) "Local unit of government" means a county, township, city,
21 or village.

22 (p) "Other eligible land" means land that has a common
23 property line with agricultural land from which development rights
24 have been purchased and is not divided from that agricultural land
25 by a state or federal limited access highway.

26 (q) "Person" means an individual, partnership, corporation,
27 association, governmental entity, or other legal entity.

28 (r) "Population" means the population according to the most
29 recent federal decennial census or according to a special census

1 conducted under section 7 of the Glenn Steil state revenue sharing
2 act of 1971, 1971 PA 140, MCL 141.907, whichever is ~~the more~~
3 ~~recent.~~ **later.**

4 **(s) "Short-term rental" means the rental of any single-family**
5 **residence or 1-to-4-family house or dwelling unit, or any unit or**
6 **group of units in a condominium, for terms of less than 28 days at**
7 **a time.**

8 **(t) ~~(s)~~**"Site plan" includes the documents and drawings
9 required by the zoning ordinance to ensure that a proposed land use
10 or activity is in compliance with local ordinances and state and
11 federal statutes.

12 **(u) ~~(t)~~**"State licensed residential facility" means a
13 structure constructed for residential purposes that is licensed by
14 the state under the adult foster care facility licensing act, 1979
15 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to
16 722.128, and provides residential services for 6 or fewer
17 individuals under 24-hour supervision or care.

18 **(v) ~~(u)~~**"Undeveloped state" means a natural state preserving
19 natural resources, natural features, scenic or wooded conditions,
20 agricultural use, open space, or a similar use or condition. Land
21 in an undeveloped state does not include a golf course but may
22 include a recreational trail, picnic area, children's play area,
23 greenway, or linear park. Land in an undeveloped state may be, but
24 is not required to be, dedicated to the use of the public.

25 **(w) ~~(v)~~**"Zoning commission" means a zoning commission as
26 described under section 301.

27 **(x) ~~(w)~~**"Zoning jurisdiction" means the area encompassed by
28 the legal boundaries of a city or village or the area encompassed
29 by the legal boundaries of a county or township outside the limits

1 of incorporated cities and villages. The zoning jurisdiction of a
 2 county does not include the areas subject to a township zoning
 3 ordinance.

4 **Sec. 206b. (1) For the purposes of zoning, all of the**
 5 **following apply to the rental of a dwelling, including, but not**
 6 **limited to, a short-term rental:**

7 (a) It is a residential use of property and a permitted use in
 8 all residential zones.

9 (b) It is not subject to a special use or conditional use
 10 permit or procedure different from those required for other
 11 dwellings in the same zone.

12 (c) It is not a commercial use of property.

13 (2) This section does not prohibit any of the following if
 14 applied on a consistent basis to rental and owner-occupied
 15 dwellings:

16 (a) Regulation of noise, advertising, traffic, or other
 17 conditions, to prevent nuisances.

18 (b) Regulation of the number of individuals that may occupy a
 19 dwelling.

20 (c) Requirements for dwelling inspections and inspection fees.

21 (d) Taxes otherwise permitted by law.

22 (e) Requirements to notify a local unit of government of
 23 association or condominium regulations or other private agreements
 24 that may affect the use of a dwelling.

25 **Sec. 207. A zoning ordinance or zoning decision shall not have**
 26 **the effect of totally prohibiting the establishment of a land use**
 27 **within a local unit of government in the presence of a demonstrated**
 28 **need for that land use within either that local unit of government**
 29 **or the surrounding area within ~~the~~ this state, unless a location**

1 within the local unit of government does not exist where the use
2 may be appropriately located or the use is unlawful.

3 Enacting section 1. This amendatory act does not take effect
4 unless Senate Bill No. 1144 of the 100th Legislature is enacted
5 into law.