

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

\*\*\*\*\* 324.36104a.amended THIS AMENDED SECTION IS EFFECTIVE FEBRUARY 13, 2024 \*\*\*\*\*

**324.36104a.amended Permitted use; criteria; exception.**

Sec. 36104a. (1) In determining whether a use is a permitted use, the state land use agency shall consider the following criteria:

(a) Whether the use adversely affects the productivity of farmland or adversely affects the character of open space land.

(b) Whether the use materially alters or negatively affects the existing conditions or use of the land.

(c) Whether the use substantially alters the agricultural use of farmland subject to a development rights agreement or substantially alters the natural character of open space land subject to an open space easement.

(d) Whether the use results in a material alteration of an existing structure to a nonagricultural use.

(e) Whether the use conforms with all applicable federal, state, and local laws and ordinances.

(2) Subsection (1) does not apply to a use authorized under section 36104c or 36104e.

**History:** Add. 1996, Act 233, Imd. Eff. June 5, 1996;—Am. 2023, Act 230, Eff. Feb. 13, 2024.

**Popular name:** Act 451

**Popular name:** Farmland and Open Space

**Popular name:** NREPA