

**SENATE BILL NO. 176**

January 28, 1999, Introduced by Senators A. SMITH, CHERRY,  
BYRUM, MILLER, LELAND and MC MANUS and referred to  
the Committee on Local, Urban and State Affairs.

A bill to amend 1943 PA 183, entitled  
"County zoning act,"  
by amending section 40 (MCL 125.240), as added by 1996 PA 569,  
and by adding section 16h.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 16H. A GUEST HOUSE SHALL BE CONSIDERED A RESIDENTIAL  
2 USE OF PROPERTY FOR THE PURPOSES OF ZONING AND A PERMITTED USE IN  
3 ALL RESIDENTIAL ZONES, INCLUDING THOSE ZONED FOR SINGLE FAMILY  
4 DWELLINGS, AND SHALL NOT BE SUBJECT TO A SPECIAL USE OR CONDI-  
5 TIONAL USE PERMIT OR PROCEDURE DIFFERENT FROM THOSE REQUIRED FOR  
6 OTHER DWELLINGS OF SIMILAR DENSITY IN THE SAME ZONE.

7        Sec. 40. (1) As used in this act:

8        (a) "Agricultural land" means substantially undeveloped land  
9 devoted to the production of plants and animals useful to humans,  
10 including forage and sod crops; grains, feed crops, and field

1 crops; dairy and dairy products; poultry and poultry products;  
2 livestock, including breeding and grazing of cattle, swine, and  
3 similar animals; berries; herbs; flowers; seeds; grasses; nursery  
4 stock; fruits; vegetables; Christmas trees; and other similar  
5 uses and activities.

6 (b) "Development rights" means the rights to develop land to  
7 the maximum intensity of development authorized by law.

8 (c) "Development rights ordinance" means an ordinance, which  
9 may comprise part of a zoning ordinance, adopted under  
10 section 31.

11 (D) "GUEST HOUSE" MEANS A SINGLE UNIT DWELLING THAT IS  
12 LOCATED ON A PARCEL OF PROPERTY OF NOT LESS THAN 1 ACRE IN SIZE  
13 AND THAT IS USED AS A TEMPORARY RESIDENCE FOR FAMILY MEMBERS OF  
14 PERSONS PERMANENTLY RESIDING IN ANOTHER SINGLE UNIT DWELLING ON  
15 THE SAME PARCEL.

16 (E) ~~(d)~~ "Intensity of development" means the height, bulk,  
17 area, density, setback, use, and other similar characteristics of  
18 development.

19 (F) ~~(e)~~ "Other eligible land" means land that has a common  
20 property line with agricultural land from which development  
21 rights have been purchased and that is not divided from that  
22 agricultural land by a state or federal limited access highway.

23 (G) ~~(f)~~ "PDR program" means a program under section 32 for  
24 the purchase of development rights by a county.

25 (2) This act shall be known and may be cited as the "county  
26 zoning act".