

HOUSE BILL NO. 4095

January 24, 2019, Introduced by Reps. Reilly, Lower, Alexander, Frederick, Ellison, Cambensy, Rendon, Crawford, Webber, Maddock, Mueller and LaFave and referred to the Committee on Local Government and Municipal Finance.

A bill to amend 2006 PA 110, entitled
"Michigan zoning enabling act,"
by amending section 102 (MCL 125.3102), as amended by 2008 PA 12.

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

1 crops, field crops, dairy products, poultry and poultry products,
2 livestock, herbs, flowers, seeds, grasses, nursery stock, fruits,
3 vegetables, Christmas trees, and other similar uses and activities.

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

8 (c) "Airport approach plan" and "airport layout plan" mean a
9 plan, or an amendment to a plan, filed with the zoning commission
10 under section 151 of the aeronautics code of the state of Michigan,
11 1945 PA 327, MCL 259.151.

12 (d) "Airport manager" means that term as defined in section 2
13 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL
14 259.2.

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

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

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

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

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

28 (j) "Family child care home" and "group child care home" mean
29 those terms as defined in section 1 of 1973 PA 116, MCL 722.111,

1 and only apply to the bona fide private residence of the operator
2 of the family or group child care home.

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

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

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

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

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

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

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

29 (r) "Population" means the population according to the most

1 recent federal decennial census or according to a special census
2 conducted under section 7 of the Glenn Steil state revenue sharing
3 act of 1971, 1971 PA 140, MCL 141.907, whichever is ~~the more~~
4 ~~recent.~~ **later.**

5 (s) "Site plan" includes the documents and drawings required
6 by the zoning ordinance to ensure that a proposed land use or
7 activity is in compliance with local ordinances and state and
8 federal statutes.

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

15 (i) **Except as provided in subparagraph (ii), 6 or fewer**
16 **individuals.**

17 (ii) **If the facility is licensed under 1973 PA 116, MCL 722.111**
18 **to 722.128, and located on a parcel of 20 acres or more, 10 or**
19 **fewer individuals.**

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

27 (v) "Zoning commission" means a zoning commission as described
28 under section 301.

29 (w) "Zoning jurisdiction" means the area encompassed by the

1 legal boundaries of a city or village or the area encompassed by
2 the legal boundaries of a county or township outside the limits of
3 incorporated cities and villages. The zoning jurisdiction of a
4 county does not include the areas subject to a township zoning
5 ordinance.

6 Enacting section 1. This amendatory act takes effect 90 days
7 after the date it is enacted into law.