

HOUSE BILL No. 4563

May 2, 2019, Introduced by Reps. Tate and Lilly and referred to the Committee on
Commerce and Tourism.

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

8 (b) "Airport" means an airport licensed by the Michigan

1 ~~department of~~ **STATE** transportation **DEPARTMENT**, bureau of
2 aeronautics under section 86 of the aeronautics code of the state
3 of Michigan, 1945 PA 327, MCL 259.86.

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

8 (d) "Airport manager" means that term as defined in section 2
9 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL
10 259.2.

11 (e) "Airport zoning regulations" means airport zoning
12 regulations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL
13 259.431 to 259.465, for an airport hazard area that lies in whole
14 or part in the area affected by a zoning ordinance under this act.

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

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

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

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

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

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

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

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

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

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

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

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

27 (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) "SHORT-TERM RENTAL" MEANS THAT TERM AS DEFINED IN THE**
6 **MICHIGAN SHORT-TERM RENTAL PROMOTION ACT.**

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

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

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

24 **(W)** ~~(v)~~—"Zoning commission" means a zoning commission as
25 described under section 301.

26 **(X)** ~~(w)~~—"Zoning jurisdiction" means the area encompassed by
27 the legal boundaries of a city or village or the area encompassed

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

5 **SEC. 206B. FOR THE PURPOSES OF ZONING, A SHORT-TERM RENTAL**
6 **THAT IS RENTED OUT FOR 14 DAYS OR LESS IN A CALENDAR YEAR IS A**
7 **RESIDENTIAL USE OF PROPERTY AND A PERMITTED USE IN ALL RESIDENTIAL**
8 **ZONES.**

9 Sec. 207. A zoning ordinance or zoning decision shall not have
10 the effect of totally prohibiting the establishment of a land use,
11 **INCLUDING, BUT NOT LIMITED TO, A SHORT-TERM RENTAL,** within a local
12 unit of government in the presence of a demonstrated need for that
13 land use within either that local unit of government or the
14 surrounding area within ~~the~~**THIS** state, unless a location within
15 the local unit of government does not exist where the use may be
16 appropriately located or the use is unlawful.

17 Enacting section 1. This amendatory act does not take effect
18 unless Senate Bill No. _____ or House Bill No. 4554 (request no.
19 01509'19) of the 100th Legislature is enacted into law.