

# *Municipal Zoning*

65656 Burg Rd  
Sturgis, Mi. 49091

*Specializing in  
Zoning Administration and Code Enforcement*

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July 2, 2024

To Whom It May Concern

The following proposals are being presented to the State of Michigan for proposed legislation by Kristian Grant who is State Representative for District 82 which is the Grand Rapids Area.

It is my hope that after you review this information that you would concur that these proposed changes are once again nothing more than an attempt to erode our local government.

Additionally, what would be acceptable in the Grand Rapids area is completely different that the rural communities that we live it.

Therefore, I am requesting that after your review of this information, if you concur with my thoughts, that you individually prepare a written response either on your own behalf, or by the municipal board or planning commission objecting to such changes. It is my intentions that once I collect the data that I send this to Judy Allen with the Michigan Townships Association and ask the Michigan Township Association to fight against such proposed legislation.

Respectfully Submitted,



Douglas M. Kuhlman  
Zoning Administrator  
Code Compliance Officer

Text in blue are responses to these proposals.

## Michigan Zoning Reform Package - Rep. Kristian Grant

### **Summary:**

Michigan is facing a critical housing shortage, and the shortage can be linked to restrictive zoning rules across the state. While local communities should retain the strongest voice in how their communities grow and how housing is built, there are some baseline restrictions that should be in place so housing construction is not slowed unnecessarily and costs are not pushed higher. The following bills tackle different zoning rules, construction codes, and other subjects to help foster greater housing construction in Michigan.

The following concepts are still in draft form and conversations with stakeholders are ongoing. We welcome feedback or input on all listed below.

Home shortage in Michigan is not due to restrictive zoning rules, but more so can be linked to the following:

- High construction costs.
- Contractors backlogged do to work demands.
- Properties being purchased at inflated prices for the purposes of Short Term Rentals, to which the government wants to preempt local zoning from this topic as well.
- Housing companies building homes as rental units only and then charging rental rates that are not affordable to the area. In some cases, getting government funding to build, or refunds claiming loss of rent. This concept takes away the housing available for private ownership, which creates high demands which inflates the cost of homes. Therefore, I dispute this claim.

**Bills:**

**Duplexes in Single Family Residential Zones**

**Request #: H05153'23**

**Sponsor:**

**Content:** Allow residential duplexes in single family residential zones.

**Rationale:** This will help increase housing density in normally single family zones.

Communities that have zoning regulations have zoning districts. Such districts set out "Permitted Uses" and "Special Exception Uses". Within those districts control the uses. I am not aware of any municipality that does not have a zoning district for duplex housing. One must realize that people purchase land to build, or in a specific area to meet their lifestyle. Whereas if some desire the more densely populated multi-family living then there are certainly areas for that, but with that there are families that desire to live in areas that rather are low income, medium income or high income desire that single family home affect. There are even associations that control the size, color and eye appeal. Mixing duplex units in areas that are designed for single family homes could have a negative impact on those single family homes, not only for value, but resale possibilities.

An option that is available is for someone seeking their own unique plan that does not conform to zoning regulations, to select a municipality that is not a "zoned community" to purchase land and do what they want rather than erode zoning regulations that have been in place and have worked successfully for many years. Therefore, I would oppose Request# H05153'23.

## **Accessory Dwelling Units**

**Request #: H05154'23**

**Sponsor:**

**Content:** Require local governments to allow for accessory dwelling units. Provide regulation and rules for ADU construction.

**Rationale:** Cities across Michigan have adopted local ordinance that allow for accessory dwelling units, which are dwelling units constructed on existing single family dwellings. Allowing ADU's across the state will help increase the number of dwelling units possible in any given area, and give homeowners the right to build one should they choose to.

The allowance of this could be quite problematic. One, how would this be taxed. Secondly and more importantly, if this is allowed and a family allows another family member to build an ADU on the same property and then there is either a mortgage default, or delinquent taxes or a divorce with property settlements, does a bank or financial institution get to take control of the entire property, or just that part that is affected by a mortgage. The safer solution is to do a land division and place the dwelling unit on it's own parcel. Therefore,

Additionally, I believe the key word in this rationale is "cities" certainly with cities we deal with municipal services such as municipal water and municipal sewer systems. Smaller communities including Township's rely on private well and private septic systems, which are also regulated by local health departments under the Michigan Public Health Code. I would oppose Request# H05154'23.

## **Mandatory Minimum for Parking**

**Request #: H05539'24**

**Sponsor:**

**Content:** Prohibit local municipalities from requiring more than 1.5 parking spaces per dwelling unit for a residential use of property.

**Rationale:** In dense areas, tenants and homeowners are not always in need of parking spaces and there may not be room to build enough spaces to meet local requirements around parking. Requirements for a certain amount of parking spots for dwelling units can prevent housing construction and larger developments. Limiting requirements to no more than 1.5

spots per unit will help encourage more housing construction.

This proposal is a severe overreach. The purpose of mandatory parking spaces is to prevent people parking in yard areas and other areas, which creates an unsightly eye appeal and could devalue property values in the area. Additionally in some areas communities have parking restrictions on public roads, especially in the wintertime for snow removal. There are also subdivisions rules or association rules that could be applied to this scenario. Therefore, I oppose H05539'24

## **Set A State Minimum Lot Size**

**Request #: 06034'24, 06017'24**

**Sponsor:**

**Content:** Sets a statewide minimum lot size of 5,000ft, prohibiting local municipalities from setting a minimum that is higher.

**Rationale:** Prohibiting local municipalities from imposing a high minimum lot size will allow for a greater variety of housing construction. In higher density areas, there is not always a need for a large lot for the dwelling to reside on. This will help foster a greater variety of housing in denser areas.

Whereas the statement "*there is not always a need for a large lot for the dwelling to reside on. This will help foster a greater variety of housing in denser areas.*" May be true, there are some property owners that desire those larger lots or estates. Mixing larger lots with small 5,000 square foot lots together could have a dramatic negative affect on property owners that want the larger lots and the larger homes. Could also have a negative affect on property values. That is why municipalities have various zoning districts which dictate lot size and area, and minimum dwelling size.

Additionally, I this rationale is with consideration to cities and villages that have municipal services such as municipal water and municipal sewer systems. Smaller communities including Township's rely on private well and private septic systems, which are also regulated by local health departments under the Michigan Public Health Code. Therefore, the only housing growth would be mainly restricted to cities or villages, or which would cause attempted annexations into cities or villages to accommodate municipal water and municipal sewers. Some rural areas are already struggles to prevent the loss of economic growth and development due to annexations. (See letter from local health department attached) Therefore, I oppose Request # 06034'24 and 06017'24

### **Set a State Minimum Dwelling Size**

**Request #: 06281'24**

**Sponsor:**

**Content:** Prohibit local municipalities from imposing a minimum dwelling size of more than 500 sq ft.

**Rationale:** Minimum dwelling size requirements prevent different kinds of housing from being created. Instituting a prohibition on imposing minimum dwelling sizes greater than 500 ft will allow smaller units to be created across the state to help meet housing demand, particularly in higher density areas. \*waiting for new draft which includes 500 ft. figure\*

Again, this is where zoning districts come into play. Certainly, a municipality could create a tiny home district, or a district that would allow for these types of small homes, but to comingle a 500 square foot home with larger homes could have a negative affect on eye appeal of the neighborhood, and certainly could have negative impact on home values in that area. I would dispute this claim whereas in the jurisdictions that I represent, on occasion I do get a request for a smaller type home, but by far the majority of the homes builds applied for in this area exceed 1,500 square feet. It is not uncommon to see requests for 2,000 – 3,000 square foot homes in this area. Therefore, I oppose Request # 06281'24

## **Single Staircase Design**

**Request #: 05162'23**

**Sponsor:**

**Content:** Require construction code commission to recommend modification to the code that would allow for a single exit stairway to serve multifamily residential structure up to 6 stories.

**Rationale:** The Michigan Construction Code is housed within LARA and amended and revised through the Joint Committee on Administrative Rules. Making changes to the construction code is often a 12-18 month process that doesn't always lead to wanted results. Requiring the BCC to come up with recommendations to allow single staircase design bills will help speed up the process of updating our codes to help combat the current housing shortage by allowing new types of dwellings to be constructed.

Whereas, I am not a building official, and I totally understand where the process with LARA can be cumbersome, there is a safety component at stake. If there is a catastrophic emergency with a six story building, there must be an emergency exit plan to safely get the people to safety. This topic must be greatly researched before we just change the rules. Therefore, I oppose Request# 05162'23

## **Alignment of Construction & Residential Building Code**

**Request: H05675'24**

**Sponsor:**

**Content:** Require construction code commission to recommend modification to the residential code to allow for construction of 3-4-5-6 plex dwelling.

**Rationale:** Currently, under the residential building code, a dwelling can only contain 2 units.

For building dwelling higher than duplexes, it must be built under the construction code, which increases costs and can cause issues with developers. Aligning the residential and construction code will allow 3-4-5-6 plex dwellings to be built under the residential code will lower construction costs and requirements for new developments.

I think that the important thing is safety. When someone wants to build a larger housing unit, more detail to design must be taken, Safety cannot be replaced with merely costs or cost savings. Therefore, I oppose Request H05675'24

## **Zoning Ordinance Petitioning Process**

**Request: 06252'24**

**Sponsor:**

**Content:** Expands the definition of "near neighbors" on a protest petition of a zoning ordinance from 100 feet to 200 feet. Increases the threshold of protest petitions on "upzoning" from 20% to 50% and lower the supermajority requirement of overriding a protest petition to a 3/5ths majority.

**Rationale:** Currently, local residents have the ability to protest zoning ordinance changes, and rightfully so. That said, residents not directly affected by zoning ordinances are able to stop them from going into effect. This bill would revise requirements for a protest petition to ensure that only folks directly affected by a zoning ordinance have the power to protest it.

Whereas, I believe that there may be some logic in the theory, I would question how you measure "not directly affect". Once a trend starts, it can be contagious, and then people then think that such request is now the norm that everyone should follow. Therefore, I oppose Request# 06252'24

## **Revise Study Requirements for Development Plans**

**Request: 06267'24**

**Sponsor:**

**Content:** Requires municipalities to commit upfront to the nature of the studies that may be required in the process of reviewing a development plan. Prohibits municipalities from requiring the same study twice in the process of reviewing a development plan unless the plan has changed.

**Rationale:** Currently, development projects are often delayed unnecessarily by local rules around studies. This bill would require zoning ordinances to specify up front studies that are required for development plans, and also not require a property conducted study to be repeated for a development plan. This would help remove barriers to development plans from being approved and help control costs of housing by controlling high costs of studies.

Develop plans are created and required for compliance and safety. More often, additional meetings are required because an applicant does not submit all of the required information. Therefore, in this application the municipality would then just merely deny a plan for incompleteness instead of working with an applicant to get the necessary information merely because you would not be allowed to request additional meetings. This concept does not seem realistic and would appear to then create further delays and additional costs. Therefore, I would oppose Request# 06267'24





July 2, 2024

Doug Kuhlman  
Zoning Administrator & Code Enforcement Officer  
65656 Burg Rd.  
Sturgis, MI 49091

Re: Minimum lot size for homes

Dear Doug:

In my experience working for the health department we have dealt with many situations where a home is built or proposed to be built on small lots. Whenever a home is built in an area not served by municipal services (sewer and water), lot size is critical. There are many factors that play into designing a septic system which include but are not limited to: 1.) Total usable area for the septic tank and drain field. 2.) The size of the home. 3.) the number of bedrooms in the home. 4.) The soil conditions on the lot 5.) The terrain (slope) of the lot. 6.) Isolation distances from the house, road right of way, property lines, bodies of water, wells (including neighbors wells). 7.) Types of water producing fixtures in the home. 8.) Adequate area for a replacement drain field.

Because of the many factors that influence the design and sizing of the septic system it is extremely difficult to determine what the minimum size of a lot should be. Our Environmental Health Code requires a minimum of **1 acre** for lots that have less than 24" to the seasonal high-water table because the drain field must be built on a mound and is sized larger to accommodate for the poor soil conditions.

It is my understanding that there is proposed legislation that would not allow municipalities to require lot sizes greater than 5000 square feet. This agency would be very much opposed to this legislation due to the amount of land that is required for many home proposals. There are many situations that I have personally been involved in that had much larger than 5000 square foot lots that would not work for a well and septic installation.

Sincerely

Paul Andriacchi REHS  
EH Director  
BHSJ-CHA

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Coldwater, MI 49036  
(517) 279-9561  
(517) 278-2823 Fax

20 Care Drive  
Hillsdale, MI 49242  
(517) 437-7395  
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(269) 273-2161

Land use: zoning and growth management; accessory dwelling units;  
allow.  
Land use: zoning and growth management;

# HOUSE BILL NO. \_\_\_\_\_

A bill to amend 2006 PA 110, entitled  
"Michigan zoning enabling act,"  
by amending section 102 (MCL 125.3102), as amended by 2022 PA 206,  
and by adding section 516.

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

- 1       Sec. 102. As used in this act:
- 2       (a) "Accessory dwelling unit" or "ADU" means a secondary
- 3 dwelling unit that is incidental to another dwelling unit located
- 4 on the same parcel of real property.
- 5       (b) ~~(a)~~—"Agricultural land" means substantially undeveloped



TMV



H05154'23

10

1 land devoted to the production of plants and animals useful to  
 2 humans, including, but not limited to, forage and sod crops,  
 3 grains, feed crops, field crops, dairy products, poultry and  
 4 poultry products, livestock, herbs, flowers, seeds, grasses,  
 5 nursery stock, fruits, vegetables, Christmas trees, and other  
 6 similar uses and activities.

7 (c) ~~(b)~~—"Airport" means an airport licensed under section 86  
 8 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL  
 9 259.86.

10 (d) ~~(e)~~—"Airport approach plan" and "airport layout plan" mean  
 11 a plan, or an amendment to a plan, filed with the zoning commission  
 12 under section 151 of the aeronautics code of the state of Michigan,  
 13 1945 PA 327, MCL 259.151.

14 (e) ~~(d)~~—"Airport manager" means that term as defined in  
 15 section 2 of the aeronautics code of the state of Michigan, 1945 PA  
 16 327, MCL 259.2.

17 (f) ~~(e)~~—"Airport zoning regulations" means airport zoning  
 18 regulations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL  
 19 259.431 to 259.465, for an airport hazard area that lies in whole  
 20 or part in the area affected by a zoning ordinance under this act.

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

24 (h) ~~(g)~~—"Coordinating zoning committee" means a coordinating  
 25 zoning committee as described under section 307.

26 (i) ~~(h)~~—"Development rights" means the rights to develop land  
 27 to the maximum intensity of development authorized by law.

28 (j) ~~(i)~~—"Development rights ordinance" means an ordinance,  
 29 which may comprise part of a zoning ordinance, adopted under



1 section 507.

2 (k) "Dwelling unit" means a structure, or portion of a  
3 structure, that meets all of the following requirements:

4 (i) Constitutes a unit for permanent occupancy.

5 (ii) Consists of 1 or more rooms.

6 (iii) Includes a kitchen.

7 (iv) Includes facilities for sleeping and bathing.

8 (l) ~~(j)~~—"Family child care home" and "group child care home"  
9 mean those terms as defined in section 1 of 1973 PA 116, MCL  
10 722.111, and only apply to the bona fide private residence of the  
11 operator of the family or group child care home.

12 (m) ~~(k)~~—"Greenway" means a contiguous or linear open space,  
13 including habitats, wildlife corridors, and trails, that links  
14 parks, nature reserves, cultural features, or historic sites with  
15 each other, for recreation and conservation purposes.

16 (n) ~~(l)~~—"Improvements" means those features and actions  
17 associated with a project that are considered necessary by the body  
18 or official granting zoning approval to protect natural resources  
19 or the health, safety, and welfare of the residents of a local unit  
20 of government and future users or inhabitants of the proposed  
21 project or project area, including roadways, lighting, utilities,  
22 sidewalks, screening, and drainage. Improvements do not include the  
23 entire project that is the subject of zoning approval.

24 (o) ~~(m)~~—"Intensity of development" means the height, bulk,  
25 area, density, setback, use, and other similar characteristics of  
26 development.

27 (p) ~~(n)~~—"Legislative body" means the county board of  
28 commissioners of a county, the board of trustees of a township, or  
29 the council or other similar elected governing body of a city or



1 village.

2 (q) ~~(e)~~ "Local unit of government" means a county, township,  
3 city, or village.

4 (r) ~~(p)~~ "Other eligible land" means land that has a common  
5 property line with agricultural land from which development rights  
6 have been purchased and is not divided from that agricultural land  
7 by a state or federal limited access highway.

8 (s) ~~(q)~~ "Person" means an individual, partnership,  
9 corporation, association, governmental entity, or other legal  
10 entity.

11 (t) ~~(r)~~ "Population" means the population according to the  
12 most recent federal decennial census or according to a special  
13 census conducted under section 7 of the Glenn Steil state revenue  
14 sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is later.

15 (u) ~~(s)~~ "Qualified residential treatment program" means that  
16 term as defined in section 1 of 1973 PA 116, MCL 722.111.

17 (v) ~~(t)~~ "Site plan" includes the documents and drawings  
18 required by the zoning ordinance to ensure that a proposed land use  
19 or activity is in compliance with local ordinances and state and  
20 federal statutes.

21 (w) ~~(u)~~ "State licensed residential facility" means a  
22 structure constructed for residential purposes that is licensed by  
23 the state under the adult foster care facility licensing act, 1979  
24 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to  
25 722.128, and provides residential services for 6 or fewer  
26 individuals under 24-hour supervision or care.

27 (x) ~~(v)~~ "Undeveloped state" means a natural state preserving  
28 natural resources, natural features, scenic or wooded conditions,  
29 agricultural use, open space, or a similar use or condition. Land

1 in an undeveloped state does not include a golf course but may  
 2 include a recreational trail, picnic area, children's play area,  
 3 greenway, or linear park. Land in an undeveloped state may be, but  
 4 is not required to be, dedicated to the use of the public.

5 (y) ~~(w)~~—"Zoning commission" means a zoning commission as  
 6 described under section 301.

7 (z) ~~(x)~~—"Zoning jurisdiction" means the area encompassed by  
 8 the legal boundaries of a city or village or the area encompassed  
 9 by the legal boundaries of a county or township outside the limits  
 10 of incorporated cities and villages. The zoning jurisdiction of a  
 11 county does not include the areas subject to a township zoning  
 12 ordinance.

13 **Sec. 516. (1) If both of the following apply, an accessory**  
 14 **dwelling unit is a permitted use of property and is not subject to**  
 15 **approval or disapproval under a zoning ordinance, except on a**  
 16 **nondiscretionary basis by administrative staff and without a public**  
 17 **hearing:**

18 (a) The ADU is located in a district in which residential use  
 19 is a permitted use, whether or not a residential use other than an  
 20 ADU is subject to a special land use or conditional use permit.

21 (b) The ADU is constructed as described in 1 of the following:

22 (i) Within what is otherwise a single-family dwelling unit that  
 23 is existing or under construction.

24 (ii) Attached to or sharing a wall with a single-family  
 25 dwelling unit that is existing or under construction.

26 (iii) As a separate structure on a parcel with a single-family  
 27 dwelling unit that is existing or under construction.

28 (2) All of the following apply:

29 (a) In any zoning district with a maximum dwelling unit



1 density, expressed in total number of dwelling units in the  
2 district, total number of dwelling units per unit of land area, or  
3 otherwise, an ADU shall be excluded from the calculation of the  
4 dwelling unit density.

5 (b) If an ADU is a separate structure, the setback and  
6 dimensional requirements for the ADU shall not be more restrictive  
7 than the setback and dimensional requirements for the single-family  
8 detached dwelling unit.

9 (c) An accessory dwelling unit is not subject to any parking  
10 requirements.

11 (d) A local unit of government may retroactively approve an  
12 accessory dwelling unit that was built without the approval of the  
13 local unit of government.

14 (3) Subject to this section, a local unit of government may  
15 adopt and enforce reasonable setback, dimensional, design, and  
16 permitting requirements for accessory dwelling units. However, such  
17 requirements shall not be adopted for the purpose of, or have the  
18 effect of, prohibiting the construction or maintenance of ADUs.

19 Enacting section 1. This amendatory act takes effect 180 days  
20 after the date it is enacted into law.



DRAFT 3

A bill to amend 1967 PA 288, entitled  
"Land division act,"  
by amending sections 109, 148, and 186 (MCL 560.109, 560.148, and  
560.186), section 109 as amended by 2019 PA 23 and section 186 as  
amended by 1992 PA 214.

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

1           Sec. 109. (1) A municipality shall approve or disapprove a  
2 proposed division within 45 days after the filing of a complete  
3 application for the proposed division with the assessor or other  
4 municipally designated official. However, a municipality with a  
5 population of 2,500 or less may enter into an agreement with a





1 county to transfer to the county authority to approve or disapprove  
2 a division. An application is complete if it contains information  
3 necessary to ascertain whether the requirements of section 108 and  
4 this section are met. The assessor or other municipally designated  
5 official, or the county official, having authority to approve or  
6 disapprove a proposed division, shall provide the person who filed  
7 the application written notice whether the application is approved  
8 or disapproved and, if disapproved, all the reasons for  
9 disapproval. A complete application for a proposed division shall  
10 be approved if, in addition to the requirements of section 108, all  
11 of the following requirements are met:

12 (a) Each resulting parcel has an adequate and accurate legal  
13 description and is included in a tentative parcel map showing area,  
14 parcel lines, public utility easements, accessibility, and other  
15 requirements of this section and section 108. The tentative parcel  
16 map shall be a scale drawing showing the approximate dimensions of  
17 the parcels.

18 (b) Each resulting parcel has a depth of not more than 4 times  
19 the width or, if an ordinance referred to in subsection (5)  
20 requires a smaller depth to width ratio, a depth to width ratio as  
21 required by the ordinance. The municipality or county having  
22 authority to review proposed divisions may allow a greater depth to  
23 width ratio than that otherwise required by this subdivision or an  
24 ordinance referred to in subsection (5). The greater depth to width  
25 ratio shall be based on standards set forth in the ordinance  
26 referred to in subsection (5). The standards may include, but need  
27 not be limited to, exceptional topographic or physical conditions  
28 with respect to the parcel and compatibility with surrounding  
29 lands. The depth to width ratio requirements of this subdivision do



1 not apply to a parcel larger than 10 acres, unless an ordinance  
2 referred to in subsection (5) provides otherwise, and do not apply  
3 to the remainder of the parent parcel or parent tract retained by  
4 the proprietor.

5 (c) Each resulting parcel has a width not less than that  
6 required by an ordinance referred to in subsection (5).

7 (d) Each resulting parcel has an area not less than that  
8 required by an ordinance referred to in subsection (5). **The**  
9 **ordinance shall not impose a minimum parcel size of more than 5,000**  
10 **square feet on land zoned for residential use.**

11 (e) Each resulting parcel is accessible.

12 (f) The division meets all of the requirements of section 108.

13 (g) Each resulting parcel that is a development site has  
14 adequate easements for public utilities from the parcel to existing  
15 public utility facilities.

16 (h) The division does not isolate a cemetery so that it does  
17 not meet the requirements of either section 102(j) (i) or (ii).

18 (i) One of the following are satisfied:

19 (i) All property taxes and special assessments due on the  
20 parcel or tract subject to the proposed division for the 5 years  
21 preceding the date of the application have been paid, as  
22 established by a certificate from the county treasurer of the  
23 county in which the parcel or tract is located. If the date of the  
24 application is on or after March 1 and before the local treasurer  
25 of the local tax collecting unit in which the parcel or tract is  
26 located has made his or her return of current delinquent taxes, the  
27 county treasurer shall include with his or her certification a  
28 notation that the return of current delinquent taxes was not  
29 available for examination. The official having authority to approve

1 or disapprove the application shall not disapprove the application  
 2 because the county treasurer's certification includes such a  
 3 notation. The county treasurer shall collect a fee for a  
 4 certification under this subdivision in an amount equal to the fee  
 5 payable under section 1(2) of 1895 PA 161, MCL 48.101, for a  
 6 certificate relating to the payment of taxes under section 135 of  
 7 the general property tax act, 1893 PA 206, MCL 211.135.

8 (ii) If property taxes or special assessments due on the parcel  
 9 or tract subject to the proposed division have not been paid, the  
 10 unpaid property taxes or special assessments have been apportioned  
 11 by the township or city assessing officer as provided by section 53  
 12 of the general property tax act, 1893 PA 206, MCL 211.53. Any  
 13 apportioned property taxes or special assessments are a lien  
 14 against the parcels or tracts as apportioned by the assessing  
 15 officer and shall be treated in the same manner as property taxes  
 16 and special assessments of the year of the original assessment for  
 17 the purpose of collection and sale for delinquent taxes under the  
 18 general property tax act, 1893 PA 206, MCL 211.1 to 211.155.

19 (2) The right to make divisions exempt from the platting  
 20 requirements of this act under section 108 and this section can be  
 21 transferred, but only from a parent parcel or parent tract to a  
 22 parcel created from that parent parcel or parent tract. A  
 23 ~~proprietor~~ **Within 45 days after** transferring the right to make a  
 24 division pursuant to this subsection, **a proprietor** shall ~~within 45~~  
 25 ~~days~~ give written notice of the transfer to the assessor of the  
 26 city or township where the property is located on a form prescribed  
 27 by the state tax commission. The form shall include substantially  
 28 the following questions in the mandatory information portion of the  
 29 form:



1 (a) "Did the parent parcel or parent tract have any  
2 unallocated divisions under the land division act, 1967 PA 288, MCL  
3 560.101 to 560.293?"

4 (b) "Were any unallocated divisions transferred to the newly  
5 created parcel? If so, state whether all were transferred or, if  
6 not, how ~~many?~~"many."

7 (3) A person shall not sell a parcel of unplatted land unless  
8 the deed contains a statement as to whether the right to make  
9 further divisions exempt from the platting requirements of this act  
10 under this section and section 108 is proposed to be conveyed. The  
11 statement shall be in substantially the following form: "The  
12 grantor grants to the grantee the right to make [insert "zero", a  
13 number, or "all"] division(s) under section 108 of the land  
14 division act, 1967 PA 288, MCL 560.108.". In the absence of a  
15 statement conforming to the requirements of this subsection, the  
16 right to make divisions under section 108(2), (3), and (4) stays  
17 with the remainder of the parent tract or parent parcel retained by  
18 the grantor.

19 (4) All deeds for parcels of unplatted land within this state  
20 executed after March 31, 1997 shall contain the following  
21 statement: "This property may be located within the vicinity of  
22 farm land or a farm operation. Generally accepted agricultural and  
23 management practices which may generate noise, dust, odors, and  
24 other associated conditions may be used and are protected by the  
25 Michigan right to farm act.".

26 (5) The governing body of a municipality or the county board  
27 of commissioners of a county having authority to approve or  
28 disapprove a division may adopt an ordinance setting forth the  
29 standards authorized in subsection (1)(b), (c), and (d). The



1 ordinance may establish a fee for a review of an application under  
 2 this section and section 108. The fee shall not exceed the  
 3 reasonable costs of providing the services for which the fee is  
 4 charged.

5 (6) Approval of a division is not a determination that the  
 6 resulting parcels comply with other ordinances or regulations.

7 (7) Compliance with this section is not a requirement for a  
 8 deed to be received for record or recorded by a register of deeds.

9 Sec. 148. (1) ~~A certificate shall be signed by the~~ **The** clerk  
 10 of the governing body of the municipality ~~signifying the approval~~  
 11 ~~of~~ **shall sign a certificate stating that** the plat **was approved** by  
 12 the governing body. ~~which shall show~~ **The certificate shall specify**  
 13 the date of the meeting at which the approval was ~~made~~ **given** and  
 14 the date the certificate was signed by the clerk.

15 (2) The certificate shall include a statement that the plat  
 16 was reviewed by the governing body or that the review was made in  
 17 part by persons authorized by the governing body and that the plat  
 18 is in conformance with all applicable provisions of the act.

19 (3) If a copy of the preliminary plat was required to be  
 20 approved by the health department, a statement to the effect that  
 21 such approval was made and the name of the health department and  
 22 the date of its approval shall be included.

23 (4) If the minimum lot width and area prescribed in ~~this act~~  
 24 **section 186(1)** has been waived **under section 186(2) or (3)** and the  
 25 subdivision is served by public sewers and public water or is  
 26 accessible thereto, the certificate shall so state and shall also  
 27 state that the municipality has legally adopted zoning and  
 28 subdivision control ordinances which specify lot widths and areas.

29 (5) If there is no county drain commissioner, a statement that



1 the plat is in compliance with the provisions of section 192.

2 Sec. 186. (1) Except as otherwise provided in this section, as  
3 a condition of approval of the final plat, ~~all subdivided~~ lots and  
4 outlots ~~subdivided as defined in section 102~~ shall comply with all  
5 of the following:

6 (a) Lots shall be numbered consecutively. If more than 1  
7 subdivision is intended to be known by the same name or caption,  
8 the lots in those subdivisions shall be numbered consecutively  
9 throughout the several subdivisions bearing the same name.

10 (b) A residential lot shall not be less than 65 feet wide at  
11 the distance of 25 feet from its front line. If a lot diminishes in  
12 width from front to rear, it shall not be less than 65 feet wide at  
13 a distance of 50 feet from its front line.

14 (c) A residential lot shall not have an area of less than  
15 ~~12,000~~ 5,000 square feet.

16 (d) If required by the governing body, outlots designated on  
17 the plat shall be of a size, extent, and location that will not  
18 impair the intent of this act or any applicable municipal rules,  
19 regulations, or policies for land development adopted and published  
20 by the governing body.

21 (e) Each lot and outlot shown on a plat shall have direct  
22 access to a street or road or assured permanent access ~~is as~~  
23 provided for in accordance with a local subdivision control  
24 ordinance or a zoning ordinance with subdivision control  
25 provisions.

26 (2) Minimum width and area requirements ~~provided for in~~  
27 ~~subsection (1)~~ for residential lots **in subsection (1)** may be waived  
28 in any subdivision if connection to a public water and a public  
29 sewer system is available and accessible or if the proprietor

1 before approval of the plat posts security with the clerk of the  
 2 municipality as provided in section 182, and if the municipality in  
 3 which the subdivision is proposed has legally adopted zoning and  
 4 subdivision control ordinances that include minimum lot width and  
 5 lot area provisions for residential buildings.

6 (3) The minimum width and area requirements ~~provided for~~ **for**  
 7 **residential lots** in subsection (1) ~~for a residential lot~~ may be  
 8 waived if all of the following requirements are met:

9 (a) The residential lot has a public sewer system available  
 10 and accessible and the sewer system will serve that residential  
 11 lot.

12 ~~(b) The residential lot consists of an area of not less than~~  
 13 ~~7,200 square feet.~~

14 ~~(b) (e)~~ The municipality in which the subdivision is proposed  
 15 has legally adopted zoning and subdivision control ordinances that  
 16 include minimum lot width and lot area provisions for residential  
 17 buildings.

18 ~~(c) (d)~~ The ground water supply on that residential lot meets  
 19 or exceeds the water supply rules of the department of public  
 20 health for subdivisions not served by public water.

21 ~~(d) (e)~~ Except for a plat approved pursuant to subsection (5),  
 22 the plat for the proposed subdivision in which the residential lot  
 23 is located is submitted to the state for final plat approval before  
 24 January 1, 1993.

25 (4) Subsection (3) does not apply to a final plat approved  
 26 after December 31, 1994.

27 (5) Notwithstanding subsection (4), a waiver shall be granted  
 28 under subsection (3) for a plat that meets the criteria in  
 29 subsection (3) (a) through (d) and is contiguous to and, since

1 September 1, 1992 has been owned by the same person as a plat that  
2 has received a waiver under subsection (3).

3 (6) The register of deeds shall maintain the recorded plat  
4 pursuant to section 243.





Land use: zoning and growth management; minimum home size requirements; limit.  
Land use: zoning and growth management; Housing: other;

# HOUSE BILL NO. \_\_\_\_\_

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 201 and 205d (MCL 125.3201 and 125.3205d), section 205d as added by 2018 PA 506.

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

1           Sec. 201. (1) A local unit of government may provide by zoning  
2 ordinance for the regulation of land development and the  
3 establishment of 1 or more districts within its zoning jurisdiction  
4 ~~which that~~ regulate the use of land and structures ~~to~~ **for any of**  
5 **the following purposes:**



1           (a) To meet the needs of ~~the~~**this** state's citizens for food,  
2 fiber, energy, and other natural resources ~~and for~~ places of  
3 residence, recreation, industry, trade, service, and other uses of  
4 land. ~~to~~

5           (b) To ensure that ~~use of the land is situated~~**land uses are**  
6 in appropriate locations and relationships. ~~to~~

7           (c) To limit the inappropriate overcrowding of land and  
8 congestion of population, transportation systems, and other public  
9 facilities. ~~to~~

10          (d) To facilitate adequate and efficient provision ~~for of~~  
11 transportation systems, sewage disposal, water, energy, education,  
12 recreation, and other public ~~service and facility requirements, and~~  
13 ~~to~~**services and facilities.**

14          (e) To promote public health, safety, and welfare.

15           (2) Except as otherwise provided ~~under in~~ this act, the  
16 regulations **under this section** shall be uniform for each class of  
17 land or buildings, dwellings, and structures within a district.

18           (3) A ~~local unit of government may provide under the zoning~~  
19 ordinance ~~for the regulation of~~**may regulate** land development and  
20 ~~the establishment of~~**establish** districts ~~which that~~ apply only to  
21 land areas and activities involved in a special program to achieve  
22 specific land management objectives and avert or solve specific  
23 land use problems, including ~~the regulation of land development and~~  
24 ~~the establishment of districts in areas subject to damage from~~  
25 flooding or beach erosion.

26           (4) A ~~local unit of government may adopt land development~~  
27 ~~regulations under the zoning ordinance designating or limiting~~**may**  
28 **regulate** the location, height, bulk, number of stories, uses, and,  
29 **subject to section 205d(1) (a)**, size of dwellings, buildings, and

1 structures that may be erected or altered, including tents and  
2 recreational vehicles.

3 Sec. 205d. (1) A zoning ordinance shall not ~~regulate~~**do any of**  
4 **the following:**

5 (a) **Impose a minimum area requirement of greater than 500**  
6 **square feet for a dwelling.**

7 (b) **Regulate** or prohibit a sign that is located on or within a  
8 building and that commemorates any of the following:

9 (i) ~~(a)~~Any of the following who die in the line of duty:

10 (A) ~~(i)~~Police officers.

11 (B) ~~(ii)~~Firefighters.

12 (C) ~~(iii)~~Medical first responders.

13 (D) ~~(iv)~~Members of the United States Armed Forces.

14 (E) ~~(v)~~Corrections officers.

15 (ii) ~~(b)~~Veterans of the United States Armed Forces.

16 (2) As used in this section, "medical first responder" means  
17 that term as defined in section 20906 of the public health code,  
18 1978 PA 368, MCL 333.20906.



Housing: codes; triplexes, quadplexes, 5-plexes, or 6-plexes in certain residential structures; allow.  
Housing: codes; Housing: other;

# HOUSE BILL NO. \_\_\_\_\_

A bill to amend 1972 PA 230, entitled  
"Stille-DeRossett-Hale single state construction code act,"  
(MCL 125.1501 to 125.1531) by adding section 4g.

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

1        **Sec. 4g. (1) Not later than 90 days after the effective date**  
2 **of the amendatory act that added this section, the director shall**  
3 **convene a meeting with the commission for the purpose of**  
4 **recommending modifications and limitations to the code that would**  
5 **allow for a triplex, quadplex, 5-plex, or 6-plex in residential**  
6 **structures. The recommendations must include considerations for**



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1 adequate and available water supply, the presence and response time  
2 of a professional fire department, and any other provisions  
3 necessary to ensure public health, safety, and general welfare.

4 (2) Not later than 90 days after the director convenes the  
5 meeting described under subsection (1), the commission shall  
6 provide its recommendations to the director in time for the  
7 director to adopt or amend rules or codes as necessary for  
8 implementation in the code. If necessary, the director shall add,  
9 amend, or rescind rules or the code by December 31, 2024.

Land use: zoning and growth management; site plan; prohibit requirements for repeat studies.  
Land use: zoning and growth management; Land use: planning;  
Economic development: other;

# HOUSE BILL NO. \_\_\_\_\_

A bill to amend 2006 PA 110, entitled  
"Michigan zoning enabling act,"  
by amending section 501 (MCL 125.3501), as amended by 2008 PA 12.

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

1           Sec. 501. (1) The local unit of government may require the  
2 submission and approval of a site plan before authorization of a  
3 land use or activity regulated by a zoning ordinance. The zoning  
4 ordinance shall specify the body or official responsible for  
5 reviewing site plans and granting approval.



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1 (2) If a zoning ordinance requires site plan approval, **both of**  
 2 **the following apply:**

3 (a) **The site plan, as approved, shall ~~become part of be~~**  
 4 **included in** the record of approval. ~~and subsequent actions~~

5 (b) **Actions** relating to the activity authorized shall be  
 6 consistent with the approved site plan, unless a change conforming  
 7 to the zoning ordinance is agreed to by the landowner and the body  
 8 or official that initially approved the site plan.

9 (3) The procedures and requirements for the submission and  
 10 approval of site plans shall be specified in the zoning ordinance.  
 11 **The zoning ordinance shall specify any studies required as part of**  
 12 **a site plan. The local unit of government shall not require the**  
 13 **person that submits a site plan to repeat a study as a condition of**  
 14 **approval of the site plan. However, the local unit of government**  
 15 **may require that a study be repeated if, after the initial study**  
 16 **was performed, the scope of the land use or activity was changed in**  
 17 **a manner that may affect the results of the study.**

18 (4) Site plan submission, review, and approval shall be  
 19 required for special land uses and planned unit developments.

20 (5) ~~(4)~~A decision rejecting, approving, or conditionally  
 21 approving a site plan shall be based upon requirements and  
 22 standards ~~contained~~ in the zoning ordinance, other statutorily  
 23 authorized and properly adopted local unit of government planning  
 24 documents, other applicable ordinances, and state and federal  
 25 statutes.

26 ~~(5)~~A site plan shall be approved if it ~~contains the~~  
 27 ~~information required by the zoning ordinance and is in compliance~~  
 28 ~~with the conditions imposed under the zoning ordinance, other~~  
 29 ~~statutorily authorized and properly adopted local unit of~~

- 1 ~~government planning documents, other applicable ordinances, and~~
- 2 ~~state and federal statutes.~~ **meets these requirements and standards.**





Land use: zoning and growth management; duplexes; permit in single family residential zones.  
Land use: zoning and growth management; Housing: other;

# HOUSE BILL NO. \_\_\_\_\_

A bill to amend 2006 PA 110, entitled  
"Michigan zoning enabling act,"  
(MCL 125.3101 to 125.3702) by adding section 517.

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

1        **Sec. 517. A residential duplex is a permitted use in any**  
2 **district in which a single-family residence is a permitted use, and**  
3 **the duplex is not subject to a special or conditional use permit or**  
4 **procedure to which single-family residences are not subject.**

5        Enacting section 1. This amendatory act takes effect 180 days  
6 after the date it is enacted into law.



Land use: zoning and growth management; minimum residential parking space requirements; limit.  
Land use: zoning and growth management; Traffic control: parking;  
Housing: other;

# HOUSE BILL NO. \_\_\_\_\_

A bill to amend 2006 PA 110, entitled  
"Michigan zoning enabling act,"  
by amending section 205d (MCL 125.3205d), as added by 2018 PA 506.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 205d. (1) A zoning ordinance shall not ~~regulate~~ **do any of**  
2 **the following:**

3           **(a) Regulate** or prohibit a sign that is located on or within a  
4 building and that commemorates any of the following:

5           **(i)** ~~(a)~~ Any of the following who die in the line of duty:



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1 (A) ~~(i)~~—Police officers.

2 (B) ~~(ii)~~—Firefighters.

3 (C) ~~(iii)~~—Medical first responders.

4 (D) ~~(iv)~~—Members of the United States Armed Forces.

5 (E) ~~(v)~~—Corrections officers.

6 (ii) ~~(b)~~—Veterans of the United States Armed Forces.

7 (b) **Require the provision of more than 1.5 parking spaces per**  
8 **dwelling unit for a residential use of property.**

9 (2) As used in this section, "medical first responder" means  
10 that term as defined in section 20906 of the public health code,  
11 1978 PA 368, MCL 333.20906.

Land use: zoning and growth management; minimum residential lot size requirements; limit.  
Land use: zoning and growth management; Housing: other;

# HOUSE BILL NO. \_\_\_\_\_

A bill to amend 2006 PA 110, entitled  
"Michigan zoning enabling act,"  
by amending sections 201 and 205d (MCL 125.3201 and 125.3205d),  
section 205d as added by 2018 PA 506.

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

1           Sec. 201. (1) A local unit of government may provide by zoning  
2 ordinance for the regulation of land development and the  
3 establishment of 1 or more districts within its zoning jurisdiction  
4 ~~which~~**that** regulate the use of land and structures ~~to~~**for any of**  
5 **the following purposes:**



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1           (a) To meet the needs of ~~the~~**this** state's citizens for food,  
2 fiber, energy, and other natural resources ~~,~~**and for** places of  
3 residence, recreation, industry, trade, service, and other uses of  
4 land. ~~,~~**to**

5           (b) To ensure that ~~use of the land is situated~~**land uses are**  
6 in appropriate locations and relationships. ~~,~~**to**

7           (c) To limit the inappropriate overcrowding of land and  
8 congestion of population, transportation systems, and other public  
9 facilities. ~~,~~**to**

10           (d) To limit urban sprawl.

11           (e) To facilitate adequate and efficient provision ~~for~~**of**  
12 transportation systems, sewage disposal, water, energy, education,  
13 recreation, and other public ~~service and facility requirements,~~  
14 ~~to~~**services and facilities.**

15           (f) To promote public health, safety, and welfare.

16           (2) Except as otherwise provided ~~under~~**in** this act, the  
17 regulations **under this section** shall be uniform for each class of  
18 land or buildings, dwellings, and structures within a district.

19           (3) A ~~local unit of government may provide under the~~ zoning  
20 ordinance ~~for the regulation of~~**may regulate** land development and  
21 ~~the establishment of~~**establish** districts ~~which~~**that** apply only to  
22 land areas and activities involved in a special program to achieve  
23 specific land management objectives and avert or solve specific  
24 land use problems, including ~~the regulation of land development and~~  
25 ~~the establishment of districts in areas subject to damage from~~  
26 flooding or beach erosion.

27           (4) A ~~local unit of government may adopt land development~~  
28 ~~regulations under the zoning ordinance designating or limiting~~**may**  
29 **regulate** the location, height, bulk, number of stories, uses, and

1 size of dwellings, buildings, and structures that may be erected or  
2 altered, including tents and recreational vehicles.

3 Sec. 205d. (1) A zoning ordinance shall not ~~regulate~~ **do any of**  
4 **the following:**

5 (a) **Impose a minimum lot or parcel size of more than 5,000**  
6 **square feet on land zoned for residential use.**

7 (b) **Regulate** or prohibit a sign that is located on or within a  
8 building and that commemorates any of the following:

9 (i) ~~(a)~~ Any of the following who die in the line of duty:

10 (A) ~~(i)~~ Police officers.

11 (B) ~~(ii)~~ Firefighters.

12 (C) ~~(iii)~~ Medical first responders.

13 (D) ~~(iv)~~ Members of the United States Armed Forces.

14 (E) ~~(v)~~ Corrections officers.

15 (ii) ~~(b)~~ Veterans of the United States Armed Forces.

16 (2) As used in this section, "medical first responder" means  
17 that term as defined in section 20906 of the public health code,  
18 1978 PA 368, MCL 333.20906.



Legal Division

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Final Page

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Housing: codes; single exit stairways in certain residential structure; allow.  
Housing: codes; Housing: other;

# HOUSE BILL NO. \_\_\_\_\_

A bill to amend 1972 PA 230, entitled  
"Stille-DeRossett-Hale single state construction code act,"  
(MCL 125.1501 to 125.1531) by adding section 4a.

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

1        **Sec. 4a. (1) Not later than 90 days after the effective date**  
2        **of the amendatory act that added this section, the director shall**  
3        **convene a meeting with the commission for the purpose of**  
4        **recommending modifications and limitations to the code that would**  
5        **allow for a single exit stairway to serve multifamily residential**  
6        **structures up to 6 stories above grade plane. The recommendations**



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1 must include considerations for adequate and available water  
2 supply, the presence and response time of a professional fire  
3 department, and any other provisions necessary to ensure public  
4 health, safety, and general welfare.

5 (2) Not later than 90 days after the director convenes the  
6 meeting described under subsection (1), the commission shall  
7 provide its recommendations to the director in time for the  
8 director to adopt or amend rules or codes as necessary for  
9 implementation in the code. If necessary, the director shall add,  
10 amend, or rescind rules or the code by December 31, 2024.



Land use: zoning and growth management; city or village zoning ordinance amendment; revise protest petition requirements.  
Land use: zoning and growth management;

# HOUSE BILL NO. \_\_\_\_\_

A bill to amend 2006 PA 110, entitled  
"Michigan zoning enabling act,"  
by amending section 403 (MCL 125.3403).

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

1           Sec. 403. (1) An amendment to a zoning ordinance by a city or  
2 village is subject to a protest petition. ~~as required by this~~  
3 ~~subsection.~~ If a protest petition is ~~filed,~~ **submitted**, approval of  
4 the amendment to the zoning ordinance shall require a 2/3 vote of  
5 the legislative body, unless a larger vote, not to exceed a ~~3/4~~ **3/5**



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1 vote, is required by ordinance or charter.

2 (2) The protest petition shall be ~~presented~~**submitted** to the  
3 legislative body of the city or village before final legislative  
4 action on the amendment. ~~and~~

5 (3) **Except as provided in subsection (4), the protest petition**  
6 **shall be signed by 1 or ~~more~~both of the following:**

7 (a) The owners of at least 20% of the area of land included in  
8 the proposed change.

9 (b) The owners of at least 20% of the area of land included  
10 within an area extending outward ~~100~~**200** feet from any point on the  
11 boundary of the land included in the proposed change.

12 (4) **If the amendment to the zoning ordinance increases the**  
13 **authorized intensity of development, the protest petition shall be**  
14 **signed by 1 or both of the following:**

15 (a) The owners of at least 50% of the area of land included in  
16 the proposed change.

17 (b) The owners of at least 50% of the area of land included  
18 within an area extending outward 200 feet from any point on the  
19 boundary of the land included in the proposed change.

20 (5) ~~(2)~~ Publicly owned land shall be excluded in calculating  
21 the ~~20% land area requirement under subsection (1).~~**area of land**  
22 **under subsections (3) and (4).**



# **Government Relations Committee**

## **July 2, 2024**

### **Chamber Update**

Coffee & Connections – 1<sup>st</sup> Thursday of the month 8-9:30am – July 11<sup>th</sup>  
Discover the Treasures – August 17<sup>th</sup> Dinner Inside of the Covered Bridge  
Golf Outing – August 27<sup>th</sup> @ Sauganash  
Michigan Zoning Reform Package

### **Three Rivers Health**

### **St. Joseph County Update**

### **Centreville Update**

### **City of TR Update**

### **Township Updates**

- **Lockport**
- **Park**
- **Fabius**
- **Flowerfield**

### **Constantine Update**

**Next Meeting** – ?? August 6<sup>th</sup> is election day