

# HOUSE BILL No. 4887

August 24, 2011, Introduced by Rep. Opsommer and referred to the Committee on Agriculture.

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 204 (MCL 125.3204).

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

1           Sec. 204. (1) A zoning ordinance adopted under this act shall  
2 provide for the use of a single-family residence by an occupant of  
3 that residence for a home occupation to give instruction in a craft  
4 or fine art within the residence. This ~~section~~-**SUBSECTION** does not  
5 prohibit the regulation of noise, advertising, traffic, hours of  
6 operation, or other conditions that may accompany the use of a  
7 residence under this ~~section~~-**SUBSECTION**.

8           (2) **IF A RESIDENCE IS A LAWFUL USE UNDER A ZONING ORDINANCE,**  
9 **THE PLANTING AND HARVESTING OF FRUITS AND VEGETABLES AT THE**  
10 **RESIDENCE FOR PERSONAL CONSUMPTION OR TRANSFER IS A LAWFUL USE AND**  
11 **IS NOT SUBJECT TO A SPECIAL USE OR CONDITIONAL USE PERMIT OR**

1 PROCEDURE. AS USED IN THIS SUBSECTION, "TRANSFER" INCLUDES THE  
2 TRADING OR FREE SHARING OF RESIDENTIALLY GROWN FRUITS AND  
3 VEGETABLES FOR PERSONAL CONSUMPTION, OR FOODSTAND OR SIMILAR SALES  
4 OF A DE MINIMIS VALUE. THIS SUBSECTION DOES NOT PROHIBIT SALES OF  
5 FRUITS AND VEGETABLES ABOVE A DE MINIMIS VALUE WHERE OTHERWISE  
6 AUTHORIZED BY LAW. THIS SUBSECTION SHALL BE KNOWN AND MAY BE CITED  
7 AS THE "FREEDOM TO GARDEN ACT".