

Act No. 46
Public Acts of 1996
Approved by the Governor
February 25, 1996
Filed with the Secretary of State
February 26, 1996

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996**

Introduced by Rep. Gnodtke

ENROLLED HOUSE BILL No. 5296

AN ACT to amend section 1 of Act No. 183 of the Public Acts of 1943, entitled as amended "An act to provide for the establishment in portions of counties lying outside the limits of incorporated cities and villages of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that are required for, and the maximum number of families that may be housed in dwellings, buildings, and structures that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise, of property that does not conform to the requirements of the zoning districts so provided; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for referenda; to provide for appeals; and to provide for the repeal of acts in conflict with this act," as amended by Act No. 34 of the Public Acts of 1995, being section 125.201 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 1 of Act No. 183 of the Public Acts of 1943, as amended by Act No. 34 of the Public Acts of 1995, being section 125.201 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 1. (1) The county board of commissioners of a county in this state may provide by zoning ordinance for the establishment of land development regulations and districts in the portions of the county outside the limits of cities and villages which regulate the use of land; to meet the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate congestion of population and the overcrowding of land, transportation systems, and other public facilities; to facilitate adequate and efficient transportation systems, sewage disposal, and water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare. For those purposes the county board of commissioners may divide the county into districts of a number, shape, and area as is considered best suited to carry out this act. The county board of commissioners of a county may use this act to provide by ordinance for the establishment of land development regulations and districts in the portions of the county outside the limits of cities and villages which apply only to land areas and activities which are involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the establishment of land development regulations and districts in areas subject to damage from flooding or beach erosion, and for those purposes may divide the county into districts of a number, shape, and area as is considered best suited to accomplish those objectives. Land development regulations may also be adopted designating or limiting the location, size of, and the specific uses for which a dwelling, building, or

structure may be erected or altered; the minimum open spaces, sanitary, safety, and protective measures that shall be required for those dwellings, buildings, and structures; and the maximum number of families which may be housed in a building or dwelling erected or altered. The regulations shall be uniform for each class of land or buildings throughout each district, but the regulations in 1 district may differ from those in other districts. A county board of commissioners may not under this act, or under an ordinance adopted pursuant to this act, regulate or control the drilling, completion, or operation of an oil or gas well, or any other well drilled for oil or gas exploration purposes and shall not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of those wells. Jurisdiction over those wells shall be vested exclusively in the supervisor of wells of the state, as provided in part 615 (supervisor of wells) of the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.61501 to 324.61527 of the Michigan Compiled Laws.

(2) An ordinance adopted pursuant to this act is subject to the electric transmission line certification act.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.