

HOUSE BILL No. 5913

June 4, 1998, Introduced by Rep. Nye and referred to the Committee on Local Government.

A bill to amend 1943 PA 183, entitled
"County zoning act,"
by amending sections 3, 9, 11a, and 40 (MCL 125.203, 125.209,
125.211a, and 125.240), section 40 as added by 1996 PA 569.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 3. (1) The zoning ordinance shall be based upon a plan
2 designed to ~~promote~~ DO ALL OF THE FOLLOWING:
- 3 (A) PROMOTE the public health, safety, and general welfare.
4 ~~, to encourage~~
- 5 (B) ENCOURAGE the use of ~~lands~~ LAND in accordance with
6 ~~their~~ ITS character and adaptability and ~~to~~ limit the
7 improper use of land. ~~, to conserve~~
- 8 (C) CONSERVE natural resources and energy. ~~, to meet~~
- 9 (D) MEET the needs of the state's citizens for food, fiber,
10 and other natural resources ~~—~~ AND FOR places of residence,

1 recreation, industry, trade, service, and other uses of land. ~~—~~

2 ~~to insure~~

3 (E) ENSURE that uses of the land ~~shall be~~ ARE situated in
4 appropriate locations and relationships. ~~—, to avoid~~

5 (F) AVOID the overcrowding of population. ~~—, to lessen~~

6 (G) LESSEN congestion on the public roads and streets. ~~—, to~~
7 ~~reduce~~

8 (H) REDUCE hazards to life and property. ~~—, to facilitate~~

9 (I) FACILITATE adequate provision for a system of transpor-
10 tation, sewage disposal, safe and adequate water supply, educa-
11 tion, recreation, and other public needs. ~~—, and to conserve~~

12 (J) CONSERVE the expenditure of funds for public improve-
13 ments and services to conform with the most advantageous uses of
14 land, resources, and ~~properties~~ PROPERTY.

15 (2) PROMPTLY AFTER AN AIRPORT LAYOUT PLAN OR AIRPORT
16 APPROACH PLAN IS FILED WITH THE COUNTY ZONING COMMISSION, THE
17 COUNTY SHALL INCORPORATE THE AIRPORT LAYOUT PLAN OR AIRPORT
18 APPROACH PLAN INTO THE PLAN REQUIRED UNDER SUBSECTION (1).

19 (3) The ordinance shall be made with reasonable considera-
20 tion, among other things, ~~to the~~ OF ALL OF THE FOLLOWING:

21 (A) THE character of each district ~~—~~ AND its peculiar
22 suitability for particular uses. ~~—, the~~

23 (B) FOR AN ORDINANCE ADOPTED AFTER THE EFFECTIVE DATE OF THE
24 AMENDATORY ACT THAT ADDED THIS SUBDIVISION, THE ENVIRONS OF ANY
25 AIRPORT WITHIN A DISTRICT.

26 (C) THE conservation of property values and natural
27 resources. ~~—, and the~~

1 (D) THE general and appropriate trend and character of land,
2 building, and population development.

3 (E) COMMENTS RECEIVED AT OR BEFORE A PUBLIC HEARING UNDER
4 SECTION 9 OR 10 FROM THE AIRPORT MANAGER OF ANY AIRPORT.

5 (4) IF A ZONING ORDINANCE WAS ADOPTED BEFORE THE EFFECTIVE
6 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE ZONING
7 ORDINANCE IS NOT REQUIRED TO BE CONSISTENT WITH ANY AIRPORT
8 ZONING REGULATIONS, AIRPORT LAYOUT PLAN, OR AIRPORT APPROACH
9 PLAN. HOWEVER, ANY ZONING ORDINANCE AMENDMENT ADOPTED OR VARI-
10 ANCE GRANTED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
11 ADDED THIS SUBSECTION SHALL NOT INCREASE ANY INCONSISTENCY THAT
12 MAY EXIST BETWEEN THE ZONING ORDINANCE OR STRUCTURES OR USES AND
13 ANY AIRPORT ZONING REGULATIONS, AIRPORT LAYOUT PLAN, OR AIRPORT
14 APPROACH PLAN. THIS SUBSECTION DOES NOT LIMIT THE RIGHT TO PETI-
15 TION FOR SUBMISSION OF A ZONING ORDINANCE AMENDMENT TO THE ELEC-
16 TORS UNDER SECTION 12.

17 (5) IF A ZONING ORDINANCE IS ADOPTED AFTER THE EFFECTIVE
18 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE ZONING
19 ORDINANCE SHALL BE CONSISTENT WITH ANY AIRPORT ZONING REGULA-
20 TIONS, AIRPORT LAYOUT PLAN, AND AIRPORT APPROACH PLAN. THIS SUB-
21 SECTION DOES NOT LIMIT THE RIGHT TO PETITION FOR SUBMISSION OF A
22 ZONING ORDINANCE TO THE ELECTORS UNDER SECTION 12.

23 SEC. 9. (1) Before submitting its recommendations of a ten-
24 tative zoning plan to the county board of commissioners, the
25 county zoning commission shall hold at least 1 public hearing,
26 notice of which hearing shall be given by 2 publications in a
27 newspaper published in the county, and if a newspaper is not

1 published in the county, then in a newspaper published in an
2 adjacent county, the first to be printed not more than 30 days
3 and not less than 20 days, and the second not more than 8 days
4 before the date of the hearing.

5 (2) Not less than 20 days' notice of the time and place of
6 the hearing AND NOT LESS THAN 10 DAYS' NOTICE OF ANY ADDITIONAL
7 PUBLIC HEARING UNDER SECTION 10 shall also be given by mail to
8 each OF THE FOLLOWING:

9 (A) EACH electric, gas, pipeline, and telephone public util-
10 ity company, AND THE AIRPORT MANAGER OF EACH AIRPORT, that regis-
11 ters ~~its~~ THE name and mailing address OF THE COMPANY OR AIRPORT
12 with the county zoning commission for the purpose of receiving
13 the notice of public hearing. ~~—, and to each—~~

14 (B) EACH railroad within the district or zone affected.

15 (3) The notices UNDER THIS SECTION shall include the places
16 and times at which the tentative text and maps of the zoning
17 ordinance may be examined. The county zoning commission shall
18 maintain a file of each affidavit of mailing for each mailing
19 made under this section. If an individual property ~~—~~ or sev-
20 eral adjacent properties are proposed for rezoning, notice of the
21 proposed rezoning and hearing shall be given to the owners of the
22 property in question at least 20 days prior to the hearing.

23 Sec. 11a. (1) ~~Following~~ WITHIN 15 DAYS FOLLOWING adoption
24 of a zoning ordinance ~~and~~ OR subsequent amendments by the
25 county board of commissioners and approval by the department of
26 ~~natural resources~~ CONSUMER AND INDUSTRY SERVICES, 1 notice of
27 adoption shall be published in a newspaper of general circulation

1 in the county. ~~within 15 days after approval by the department~~
2 ~~of natural resources. The~~ PROMPTLY FOLLOWING ADOPTION OF A
3 ZONING ORDINANCE OR SUBSEQUENT AMENDMENT BY THE COUNTY BOARD OF
4 COMMISSIONERS AND APPROVAL BY THE DEPARTMENT OF CONSUMER AND
5 INDUSTRY SERVICES, A COPY OF THE NOTICE OF ADOPTION SHALL ALSO BE
6 MAILED TO THE AIRPORT MANAGER OF AN AIRPORT ENTITLED TO NOTICE
7 UNDER SECTION 9(2).

8 (2) A notice of adoption UNDER SUBSECTION (1) shall include
9 the following information:

10 (a) In the case of a newly adopted zoning ordinance the fol-
11 lowing statement, a zoning ordinance regulating the development
12 and use of land has been adopted by the county board of commis-
13 sioners of the county of _____.

14 (b) In the case of an amendment to an existing zoning ordi-
15 nance, either a summary of the regulatory effect of the amend-
16 ment, including the geographic area affected, or the text of the
17 amendment.

18 (c) The effective date of the ordinance.

19 (d) The place WHERE and time ~~where~~ WHEN a copy of the
20 ordinance may be purchased or inspected.

21 Sec. 40. (1) As used in this act:

22 (a) "Agricultural land" means substantially undeveloped land
23 devoted to the production of plants and animals useful to humans,
24 including forage and sod crops; grains, feed crops, and field
25 crops; dairy and dairy products; poultry and poultry products;
26 livestock, including breeding and grazing of cattle, swine, and
27 similar animals; berries; herbs; flowers; seeds; grasses; nursery

1 stock; fruits; vegetables; Christmas trees; and other similar
2 uses and activities.

3 (B) "AIRPORT" MEANS AN AIRPORT LICENSED BY THE MICHIGAN
4 DEPARTMENT OF TRANSPORTATION, BUREAU OF AERONAUTICS UNDER SECTION
5 86 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327,
6 MCL 259.86.

7 (C) "AIRPORT APPROACH PLAN" MEANS A PLAN, OR AN AMENDMENT TO
8 A PLAN, ADOPTED UNDER SECTION 12 OF THE AIRPORT ZONING ACT, 1950
9 (EX SESS) PA 23, MCL 259.442, AND FILED WITH THE COUNTY ZONING
10 COMMISSION UNDER SECTION 151 OF THE AERONAUTICS CODE OF THE STATE
11 OF MICHIGAN, 1945 PA 327, MCL 259.151.

12 (D) "AIRPORT LAYOUT PLAN" MEANS A PLAN, OR AN AMENDMENT TO A
13 PLAN, THAT SHOWS CURRENT OR PROPOSED LAYOUT OF AN AIRPORT, THAT
14 IS APPROVED BY THE MICHIGAN AERONAUTICS COMMISSION, AND THAT IS
15 FILED WITH THE COUNTY ZONING COMMISSION UNDER SECTION 151 OF THE
16 AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327, MCL
17 259.151.

18 (E) "AIRPORT MANAGER" MEANS THAT TERM AS DEFINED IN SECTION
19 10 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327,
20 MCL 259.10.

21 (F) "AIRPORT ZONING REGULATIONS" MEANS AIRPORT ZONING REGU-
22 LATIONS ADOPTED UNDER SECTION 13, 14, OR 17 OF THE AIRPORT ZONING
23 ACT, 1950 (EX SESS) PA 23, MCL 259.443, 259.444, AND 259.447, FOR
24 AN AIRPORT HAZARD AREA THAT LIES IN WHOLE OR PART IN THE AREA
25 AFFECTED BY A ZONING ORDINANCE UNDER THIS ACT.

26 (G) ~~-(b)-~~ "Development rights" means the rights to develop
27 land to the maximum intensity of development authorized by law.

1 (H) ~~-(c)-~~ "Development rights ordinance" means an ordinance,
2 which may comprise part of a zoning ordinance, adopted under
3 section 31.

4 (I) ~~-(d)-~~ "Intensity of development" means the height, bulk,
5 area, density, setback, use, and other similar characteristics of
6 development.

7 (J) ~~-(e)-~~ "Other eligible land" means land that has a common
8 property line with agricultural land from which development
9 rights have been purchased and that is not divided from that
10 agricultural land by a state or federal limited access highway.

11 (K) ~~-(f)-~~ "PDR program" means a program under section 32 for
12 the purchase of development rights by a county.

13 (2) This act shall be known and may be cited as the "county
14 zoning act".

15 Enacting section 1. This amendatory act does not take
16 effect unless Senate Bill No. _____ or House Bill
17 No. _____ (request no. 02286'97) of the 89th Legislature is
18 enacted into law.