

SENATE BILL NO. 1199

June 9, 1998, Introduced by Senator NORTH and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1921 PA 207, entitled
"City and village zoning act,"
by amending sections 1, 4, and 20 (MCL 125.581, 125.584, and
125.600), section 1 as amended by 1995 PA 36 and section 20 as
added by 1996 PA 571.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) The legislative body of a city or village may
2 regulate and restrict the use of land and structures ~~to meet~~
3 TO DO ANY OF THE FOLLOWING:

4 (A) MEET the needs of the state's residents for food, fiber,
5 energy and other natural resources, places of residence, recre-
6 ation, industry, trade, service, and other uses of land. ~~to~~
7 insure

8 (B) ENSURE that uses of the land ~~shall be~~ ARE situated in
9 appropriate locations and relationships. ~~to limit~~

1 (C) LIMIT the inappropriate overcrowding of land and
2 congestion of population and transportation systems and other
3 public facilities. ~~to facilitate~~

4 (D) FACILITATE adequate and efficient provision for trans-
5 portation systems, sewage disposal, water, energy, education,
6 recreation, and other public service and facility needs. ~~and~~
7 ~~to promote~~

8 (E) PROMOTE public health, safety, and welfare. ~~, and for~~
9 ~~those purposes~~

10 (2) FOR THE PURPOSES OF SUBSECTION (1), THE LEGISLATIVE BODY
11 OF A CITY OR VILLAGE may divide ~~a~~ THE city or village into dis-
12 tricts of the number, shape, and area considered best suited to
13 carry out this section. For each of those districts regulations
14 may be imposed designating the uses for which buildings or struc-
15 tures shall or shall not be erected or altered, and designating
16 the trades, industries, and other land uses or activities that
17 shall be permitted or excluded or subjected to special
18 regulations.

19 (3) ~~-(2)-~~ The land development regulations and districts
20 authorized by this act shall be made in accordance with a plan
21 designed to promote and accomplish the objectives of this act.
22 PROMPTLY AFTER AN AIRPORT LAYOUT PLAN OR AIRPORT APPROACH PLAN IS
23 FILED WITH THE COMMISSION APPOINTED TO RECOMMEND THE ZONING ORDI-
24 NANCE, THE CITY OR VILLAGE SHALL INCORPORATE THE AIRPORT LAYOUT
25 PLAN OR AIRPORT APPROACH PLAN INTO THE PLAN REQUIRED UNDER THIS
26 SUBSECTION.

1 (4) THE ORDINANCE SHALL BE MADE WITH REASONABLE
2 CONSIDERATION OF, AMONG OTHER THINGS, BOTH OF THE FOLLOWING:

3 (A) FOR AN ORDINANCE ADOPTED AFTER THE EFFECTIVE DATE OF THE
4 AMENDATORY ACT THAT ADDED THIS SUBDIVISION, THE ENVIRONS OF ANY
5 AIRPORT WITHIN A DISTRICT.

6 (B) COMMENTS RECEIVED AT OR BEFORE A PUBLIC HEARING UNDER
7 SECTION 4 FROM THE AIRPORT MANAGER OF ANY AIRPORT.

8 (5) IF A ZONING ORDINANCE WAS ADOPTED BEFORE THE EFFECTIVE
9 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE ZONING
10 ORDINANCE IS NOT REQUIRED TO BE CONSISTENT WITH ANY AIRPORT
11 ZONING REGULATIONS, AIRPORT LAYOUT PLAN, OR AIRPORT APPROACH
12 PLAN. HOWEVER, ANY ZONING ORDINANCE AMENDMENT ADOPTED OR VARI-
13 ANCE GRANTED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
14 ADDED THIS SUBSECTION SHALL NOT INCREASE ANY INCONSISTENCY THAT
15 MAY EXIST BETWEEN THE ZONING ORDINANCE OR STRUCTURES OR USES AND
16 ANY AIRPORT ZONING REGULATIONS, AIRPORT LAYOUT PLAN, OR AIRPORT
17 APPROACH PLAN. THIS SUBSECTION DOES NOT LIMIT THE RIGHT UNDER
18 SECTION 4 TO FILE A PROTEST PETITION CONCERNING A ZONING ORDI-
19 NANCE AMENDMENT.

20 (6) IF A ZONING ORDINANCE IS ADOPTED AFTER THE EFFECTIVE
21 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE ZONING
22 ORDINANCE SHALL BE CONSISTENT WITH ANY AIRPORT ZONING REGULA-
23 TIONS, AIRPORT LAYOUT PLAN, AND AIRPORT APPROACH PLAN. THIS SUB-
24 SECTION DOES NOT LIMIT THE RIGHT UNDER SECTION 4 TO FILE A PRO-
25 TECT PETITION CONCERNING A ZONING ORDINANCE.

1 (7) ~~-(3)-~~ An ordinance adopted pursuant to this act is
 2 subject to the electric transmission line certification act, 1995
 3 PA 30, MCL 460.561 TO 460.575.

4 Sec. 4. (1) The legislative body of a city or village may
 5 provide by ordinance for the manner in which regulations and
 6 boundaries of districts or zones shall be determined and enforced
 7 or amended, supplemented, or changed. At least 1 public hearing
 8 shall be held by the commission appointed to recommend zoning
 9 regulations ~~—~~, or, if a commission does not exist, by the legis-
 10 lative body before a regulation becomes effective. Not less than
 11 15 days' notice of the time and place of the public hearing shall
 12 first be published in an official paper or a paper of general
 13 circulation in the city or village. ~~—, and not~~ NOT less than 15
 14 days' notice of the time and place of the public hearing, AND NOT
 15 LESS THAN 10 DAYS' NOTICE OF ANY OTHER HEARING UNDER THIS
 16 SECTION, shall first be given by mail to each public utility com-
 17 pany and ~~to~~ each railroad company owning or operating any
 18 public utility or railroad within the districts or zones
 19 affected, AND THE AIRPORT MANAGER OF EACH AIRPORT, that registers
 20 its name and mailing address with the city or village clerk for
 21 the purpose of receiving the notice. An affidavit of mailing
 22 shall be maintained. A hearing shall be granted ~~—a~~ TO AN
 23 INTERESTED person ~~—interested—~~ at the time and place specified on
 24 the notice.

25 (2) The legislative body of a city or village, unless other-
 26 wise provided by charter, may appoint a commission to recommend
 27 in the first instance the boundaries of districts and appropriate

1 regulations to be enforced in the districts. If a city or
2 village has a planning commission, that commission shall be
3 appointed to perform the duties set forth in this section. The
4 commission shall make a tentative report and hold at least 1
5 public hearing before submitting its final report to the legisla-
6 tive body. A summary of the comments submitted at the public
7 hearing shall be transmitted with the report of the commission to
8 the legislative body. The legislative body may hold additional
9 public hearings if it considers it necessary ~~—~~ or as may be
10 required by charter.

11 (3) In a city or village having a commission appointed to
12 recommend zoning requirements, the legislative body shall not in
13 the first instance determine the boundaries of districts ~~—nor—~~ OR
14 impose regulations until after the final report of the
15 commission. ~~—, nor shall—~~ IN SUCH A CITY OR VILLAGE, THE LEGISLA-
16 TIVE BODY SHALL NOT AMEND the ordinance or maps ~~—be amended—~~
17 after they are adopted in the first instance until the proposed
18 amendment has been submitted to the commission and it has held at
19 least 1 hearing and made report thereon. In either case, the
20 legislative body may adopt the ordinance and maps, with or with-
21 out amendments, after receipt of the commission's report, or
22 refer the ordinance and maps again to the commission for a fur-
23 ther report.

24 (4) After the ordinance and maps have in the first instance
25 been approved by the legislative body of a city or village,
26 amendments or supplements thereto may be made as provided in this
27 section, except that if an individual property or several

1 adjacent properties are proposed for rezoning, notice of the
2 proposed rezoning and hearing shall be given to the owners of the
3 property in question at least 15 days before the hearing.

4 (5) Upon presentation of a protest petition meeting the
5 requirements of this subsection, an amendment to a zoning ordi-
6 nance which is the object of the petition shall be passed only by
7 a 2/3 vote of the legislative body, unless a larger vote, but not
8 to exceed 3/4 vote, is required by ordinance or charter. The
9 protest petition shall be presented to the legislative body
10 before final legislative action on the amendment ~~—~~ and shall be
11 signed by 1 of the following:

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

14 (b) The owners of at least 20% of the area of land included
15 within an area extending outward 100 feet from any point on the
16 boundary of the land included in the proposed change.

17 (6) For purposes of subsection (5), publicly owned land
18 shall be excluded in calculating the 20% land area requirement.

19 (7) Following adoption of a zoning ordinance and subsequent
20 amendments by the legislative body of a city or village, 1 notice
21 of adoption shall be published in a newspaper of general circula-
22 tion in the city or village within 15 days after adoption.

23 PROMPTLY FOLLOWING ADOPTION OF A ZONING ORDINANCE OR SUBSEQUENT
24 AMENDMENT BY THE LEGISLATIVE BODY OF THE CITY OR VILLAGE, A COPY
25 OF THE NOTICE OF ADOPTION SHALL ALSO BE MAILED TO THE AIRPORT
26 MANAGER OF AN AIRPORT ENTITLED TO NOTICE UNDER SUBSECTION (1).

1 (8) The notice OF ADOPTION UNDER SUBSECTION (7) shall
2 include the following information:

3 (a) In the case of a newly adopted zoning ordinance, the
4 following statement: "A zoning ordinance regulating the develop-
5 ment and use of land has been adopted by the city (village) coun-
6 cil of the city (village) of _____".

7 (b) In the case of an amendment to an existing ordinance,
8 either a summary of the regulatory effect of the amendment,
9 including the geographic area affected, or the text of the
10 amendment.

11 (c) The effective date of the ordinance.

12 (d) The place and time where a copy of the ordinance may be
13 purchased or inspected. The filing and publication requirements
14 in this section relating to city and village zoning ordinances
15 supersede charter provisions relating to the filing and publica-
16 tion of city and village ordinances.

17 Sec. 20. (1) As used in this act:

18 (a) "Agricultural land" means substantially undeveloped land
19 devoted to the production of plants and animals useful to humans,
20 including forage and sod crops; grains, feed crops, and field
21 crops; dairy and dairy products; poultry and poultry products;
22 livestock, including breeding and grazing of cattle, swine, and
23 similar animals; berries; herbs; flowers; seeds; grasses; nursery
24 stock; fruits; vegetables; Christmas trees; and other similar
25 uses and activities.

26 (B) "AIRPORT" MEANS AN AIRPORT LICENSED BY THE MICHIGAN
27 DEPARTMENT OF TRANSPORTATION, BUREAU OF AERONAUTICS UNDER SECTION

1 86 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327,
2 MCL 259.86.

3 (C) "AIRPORT APPROACH PLAN" MEANS A PLAN, OR AN AMENDMENT TO
4 A PLAN, ADOPTED UNDER SECTION 12 OF THE AIRPORT ZONING ACT, 1950
5 (EX SESS) PA 23, MCL 259.442, AND FILED WITH THE COMMISSION
6 APPOINTED TO RECOMMEND ZONING REGULATIONS FOR THE CITY OR VILLAGE
7 UNDER SECTION 151 OF THE AERONAUTICS CODE OF THE STATE OF
8 MICHIGAN, 1945 PA 327, MCL 259.151.

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

15 (E) "AIRPORT MANAGER" MEANS THAT TERM AS DEFINED IN SECTION
16 10 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327,
17 MCL 259.10.

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

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

25 (H) ~~-(c)-~~ "Development rights ordinance" means an ordinance,
26 which may comprise part of a zoning ordinance, adopted under
27 section 13.

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

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

8 (K) ~~-(f)-~~ "PDR program" means a program under section 14 for
9 the purchase of development rights by a city or village.

10 (2) This act shall be known and may be cited as the "city
11 and village zoning act".

12 Enacting section 1. This amendatory act does not take
13 effect unless Senate Bill No. 1198

14 of the 89th Legislature is enacted into
15 law.