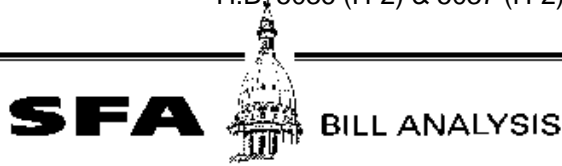


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House Bill 5036 (Substitute H-2 as passed by the House)  
House Bill 5037 (Substitute H-2 as passed by the House)  
Sponsor: Representative Mike Green  
House Committee: Local Government and Urban Policy  
Senate Committee: Local, Urban and State Affairs

Date Completed: 11-29-00

## **CONTENT**

**House Bills 5036 (H-2) and 5037 (H-2) would amend the Township Zoning Act and the County Zoning Act, respectively, to require a township or county to incorporate an airport layout plan or airport approach plan into a township or county zoning plan; provide for coordination between township or county zoning ordinances and airport zoning regulations, airport layout plan, or airport approach plan; and require a notice to an airport manager of each airport affected by the adoption of a zoning ordinance.**

("Airport approach plan" would mean a plan, or an amendment to a plan, adopted under the Airport Zoning Act, and filed with the township zoning board or county zoning commission. "Airport layout plan" would mean a plan, or an amendment to a plan, that showed current or proposed layout of an airport, that was approved by the Michigan Aeronautics Commission, and that was filed with the township zoning board or county zoning commission. "Airport zoning regulations" would mean the airport zoning regulations adopted under the Airport Zoning Act for an airport hazard area that lay in whole or part in the area affected by a zoning ordinance under the Township Zoning Act or the County Zoning Act.)

The bills provide that after an airport layout plan or airport approach plan was filed with the township zoning board or county zoning commission, the township or county would have to incorporate the airport layout plan or airport approach plan into the township or county zoning plan. A zoning ordinance adopted the bills' effective date would have to be adopted with reasonable consideration of the environs of any airport within a district, and of the comments received at or before a public hearing from the airport manager of any airport.

If a zoning ordinance were adopted before the bills' effective date, the ordinance would not have to be consistent with any airport zoning regulations, airport layout plan, or airport approach plan. Any zoning ordinance amendment adopted or variance granted after the bills' effective date, however, could not increase any inconsistency that could exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan.

If a zoning ordinance were adopted after the bills' effective date, it would have to be consistent with any airport zoning regulations, airport layout plan, or airport approach plan.

The bills state that these provisions would not limit the right to petition for submission of a zoning ordinance amendment to the electors.

The Acts require a township zoning board or a county board of commissioners to hold at least one public hearing before submitting its recommendations of a tentative zoning ordinance. Notice of the hearing must be given by two publications in a newspaper of general circulation in the township or county (or, in the case of a county, in an adjacent county if a newspaper is not published in that county). The first publication must be printed between 20 and 30 days before the hearing, and the second publication within eight days before the hearing. At least 20 days' advance notice of the hearing must be mailed to each public utility or railroad company in the districts or zones affected that registers with the zoning commission for receipt of the notice.

Under the bills, the 20-day advance notice of the time and place of a hearing also would have to be mailed to the airport manager of each airport that registered with the township or county zoning commission.

Under the Township Zoning Act, adoption of a zoning ordinance and subsequent amendments must be filed with the township clerk, and one notice of adoption must be published in a newspaper of general circulation in that township within 15 days after adoption. House Bill 5036 (H-2) provides that promptly following adoption of a zoning ordinance or subsequent amendment by the township board, a copy of the notice of adoption also would have to be mailed to the airport manager of an airport entitled to notice under the Act.

Under the County Zoning Act, following adoption of a zoning ordinance or subsequent amendments by the county board of commissioners and approval by the Department of Natural Resources (DNR), one notice of adoption must be published in a newspaper of general circulation in that county within 15 days after approval by the DNR. House Bill 5037 (H-2) would require approval of the adoption of a zoning ordinance by the Department of Consumer and Industry Services (DCIS), rather than the DNR, and provides that promptly following adoption of a zoning ordinance or subsequent amendment by the county board of commissioners and approval by the DCIS, a copy of the notice of adoption also would have to be mailed to the airport manager of an airport entitled to notice under the Act

The bills are tie-barred to Senate Bill 764, which would amend the Aeronautics Code to require an airport manager to file a copy of the airport approach plan and the airport layout plan, and the airport's registration with the zoning board, zoning commission, or other commission appointed to recommend zoning regulations, if any, of any township, county, village, or city located in whole or in part within the approach protection area.

MCL 125.279 et al. (H.B. 5036)  
125.209 et al. (H.B. 5037)

Legislative Analyst: N. Nagata

### **FISCAL IMPACT**

The bills would have no fiscal impact on State or local government.

Fiscal Analyst: C. Thiel

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.