

**SUBSTITUTE FOR
HOUSE BILL NO. 5037**

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3A. (1) IF, AFTER AN AIRPORT LAYOUT PLAN OR AIRPORT
2 APPROACH PLAN IS FILED WITH THE COUNTY ZONING COMMISSION, A PLAN
3 REQUIRED UNDER SECTION 3 IS ADOPTED OR REVISED, THE COUNTY SHALL
4 INCORPORATE THE AIRPORT LAYOUT PLAN OR AIRPORT APPROACH PLAN INTO
5 THE PLAN REQUIRED UNDER SECTION 3.

6 (2) IN ADDITION TO THE REQUIREMENTS OF SECTION 3, A ZONING
7 ORDINANCE ADOPTED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT
8 THAT ADDED THIS SECTION SHALL BE ADOPTED AFTER REASONABLE
9 CONSIDERATION OF BOTH OF THE FOLLOWING:

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1 (A) THE ENVIRONS OF ANY AIRPORT WITHIN A DISTRICT.

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

4 (3) IF A ZONING ORDINANCE WAS ADOPTED BEFORE THE EFFECTIVE
5 DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE ZONING
6 ORDINANCE IS NOT REQUIRED TO BE CONSISTENT WITH ANY AIRPORT
7 ZONING REGULATIONS, AIRPORT LAYOUT PLAN, OR AIRPORT APPROACH
8 PLAN. HOWEVER, A ZONING ORDINANCE AMENDMENT ADOPTED OR VARIANCE
9 GRANTED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
10 THIS SECTION SHALL NOT INCREASE ANY INCONSISTENCY THAT MAY EXIST
11 BETWEEN THE ZONING ORDINANCE OR STRUCTURES OR USES AND ANY AIR-
12 PORT ZONING REGULATIONS, AIRPORT LAYOUT PLAN, OR AIRPORT APPROACH
13 PLAN. THIS SECTION DOES NOT LIMIT THE RIGHT TO PETITION FOR SUB-
14 MISSION OF A ZONING ORDINANCE AMENDMENT TO THE ELECTORS UNDER
15 SECTION 12.

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

22 Sec. 9. (1) Before submitting its recommendations of a ten-
23 tative zoning plan to the county board of commissioners, the
24 county zoning commission shall hold at least 1 public hearing. —,
25 ~~notice of which~~ NOTICE OF THE hearing shall be given by 2 publi-
26 cations in a newspaper published in the county —, ~~and~~ OR, if a
27 newspaper is not published in the county, then in a newspaper

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1 published in an adjacent county. ~~—, the first to~~ THE FIRST
2 PUBLICATION SHALL be printed not more than 30 days and not less
3 than 20 days, and the second not more than 8 days before the date
4 of the hearing.

5 (2) Not less than 20 days' notice of the time and place of
6 the hearing shall also be given by mail to each OF THE
7 FOLLOWING:

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

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

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

23 Sec. 11a. (1) ~~Following~~ NOT MORE THAN 15 DAYS AFTER adop-
24 tion 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

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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~~ "A zoning ordinance regulating the devel-
12 opment and use of land has been adopted by the county board of
13 commissioners 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

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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,
17 MCL 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 UNDER THE AIRPORT ZONING ACT, 1950 (EX SESS) PA 23,
23 MCL 259.431 TO 259.465, FOR AN AIRPORT HAZARD AREA THAT LIES IN
24 WHOLE OR PART IN THE AREA AFFECTED BY A ZONING ORDINANCE UNDER
25 THIS ACT.

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

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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. 764 of the 90th Legislature is
17 enacted into law.