

REPRINT

SUBSTITUTE FOR

HOUSE BILL NO. 5036

(As passed the House, November 14, 2000)

A bill to amend 1943 PA 184, entitled
"Township zoning act,"
by amending sections 9, 11a, and 40 (MCL 125.279, 125.281a, and
125.310), section 40 as added by 1996 PA 570, 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 TOWNSHIP ZONING BOARD, A PLAN
3 REQUIRED UNDER SECTION 3 IS ADOPTED OR REVISED, THE TOWNSHIP
4 SHALL INCORPORATE THE AIRPORT LAYOUT PLAN OR AIRPORT APPROACH
5 PLAN INTO 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 11 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 ordinance to the township, the township zoning
24 board shall hold ~~not less than~~ AT LEAST 1 public hearing. ~~—~~
25 ~~notice of which~~ NOTICE OF THE hearing shall be given by 2 publi-
26 cations in a newspaper of general circulation in the township. ~~—~~
27 ~~the first to~~ THE FIRST PUBLICATION SHALL be printed not more

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1 than 30 days ~~nor~~ AND NOT less than 20 days and the second not
2 more than 8 days before the date of the hearing.

3 (2) Not less than 20 days' notice of the time and place of
4 the hearing shall also be given by mail to each electric, gas,
5 pipeline, and telephone public utility company, ~~and to~~ each
6 railroad operating within the district or zone affected, AND THE
7 AIRPORT MANAGER OF EACH AIRPORT, that registers its name and
8 mailing address with the township zoning commission for the pur-
9 pose of receiving the notice.

10 (3) An affidavit of mailing shall be maintained. The
11 notices shall include the places and times at which the tentative
12 text and any maps of the zoning ordinance may be examined.

13 Sec. 11a. (1) The zoning ordinance ~~, as well as~~ OR subse-
14 quent amendments or supplements shall be filed with the township
15 clerk, and 1 notice of ordinance adoption shall be published in a
16 newspaper of general circulation in the township within 15 days
17 after adoption. PROMPTLY FOLLOWING ADOPTION OF A ZONING ORDI-
18 NANCE OR SUBSEQUENT AMENDMENT BY THE TOWNSHIP BOARD, A COPY OF
19 THE NOTICE OF ADOPTION SHALL ALSO BE MAILED TO THE AIRPORT MAN-
20 AGER OF AN AIRPORT ENTITLED TO NOTICE UNDER SECTION 9(2).

21 (2) The notice of ordinance adoption UNDER SUBSECTION (1)
22 shall include the following information:

23 (a) In the case of a newly adopted zoning ordinance, the
24 following statement: "A zoning ordinance regulating the develop-
25 ment and use of land has been adopted by the township board of
26 the township of _____".

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1 (b) In the case of an amendment to an existing zoning
2 ordinance, either a summary of the regulatory effect of the
3 amendment, including the geographic area affected, or the text of
4 the amendment.

5 (c) The effective date of the ordinance.

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

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

9 (a) "Agricultural land" means substantially undeveloped land
10 devoted to the production of plants and animals useful to humans,
11 including forage and sod crops; grains, feed crops, and field
12 crops; dairy and dairy products; poultry and poultry products;
13 livestock, including breeding and grazing of cattle, swine, and
14 similar animals; berries; herbs; flowers; seeds; grasses; nursery
15 stock; fruits; vegetables; Christmas trees; and other similar
16 uses and activities.

17 (B) "AIRPORT" MEANS AN AIRPORT LICENSED BY THE MICHIGAN
18 DEPARTMENT OF TRANSPORTATION, BUREAU OF AERONAUTICS UNDER SECTION
19 86 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327,
20 MCL 259.86.

21 (C) "AIRPORT APPROACH PLAN" MEANS A PLAN, OR AN AMENDMENT TO
22 A PLAN, ADOPTED UNDER SECTION 12 OF THE AIRPORT ZONING ACT, 1950
23 (EX SESS) PA 23, MCL 259.442, AND FILED WITH THE TOWNSHIP ZONING
24 BOARD UNDER SECTION 151 OF THE AERONAUTICS CODE OF THE STATE OF
25 MICHIGAN, 1945 PA 327, MCL 259.151.

26 (D) "AIRPORT LAYOUT PLAN" MEANS A PLAN, OR AN AMENDMENT TO A
27 PLAN, THAT SHOWS CURRENT OR PROPOSED LAYOUT OF AN AIRPORT, THAT

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1 IS APPROVED BY THE MICHIGAN AERONAUTICS COMMISSION, AND THAT IS
2 FILED WITH THE TOWNSHIP ZONING BOARD UNDER SECTION 151 OF THE
3 AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327,
4 MCL 259.151.

5 (E) "AIRPORT MANAGER" MEANS THAT TERM AS DEFINED IN SECTION
6 10 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327,
7 MCL 259.10.

8 (F) "AIRPORT ZONING REGULATIONS" MEANS AIRPORT ZONING REGU-
9 LATIONS UNDER THE AIRPORT ZONING ACT, 1950 (EX SESS) PA 23,
10 MCL 259.431 TO 259.465, FOR AN AIRPORT HAZARD AREA THAT LIES IN
11 WHOLE OR PART IN THE AREA AFFECTED BY A ZONING ORDINANCE UNDER
12 THIS ACT.

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

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

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

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

25 (K) ~~-(f)-~~ "PDR program" means a program under section 32 for
26 the purchase of development rights by a township.

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1 (2) This act shall be known and may be cited as the
2 "township zoning act".

3 Enacting section 1. This amendatory act does not take
4 effect unless Senate Bill No. 764 of the 90th Legislature is
5 enacted into law.