

**HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 765**

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

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1        SEC. 1A. (1) IF, AFTER AN AIRPORT LAYOUT PLAN OR AIRPORT  
2 APPROACH PLAN IS FILED WITH THE ZONING COMMISSION OR, IF THERE IS  
3 NO BODY EXERCISING THE POWERS OF A ZONING COMMISSION, WITH THE  
4 LEGISLATIVE BODY OF A CITY OR VILLAGE, A PLAN REQUIRED UNDER  
5 SECTION 1 IS ADOPTED OR REVISED, THE CITY OR VILLAGE SHALL INCOR-  
6 PORATE THE AIRPORT LAYOUT PLAN OR AIRPORT APPROACH PLAN INTO THE  
7 PLAN REQUIRED UNDER SECTION 1.

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

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 SUB-  
20 SECTION DOES NOT LIMIT THE RIGHT UNDER SECTION 4 TO FILE A PRO-  
21 TECT PETITION CONCERNING A ZONING ORDINANCE.

22 Sec. 4. (1) The legislative body of a city or village may  
23 provide by ordinance for the manner in which regulations and  
24 boundaries of districts or zones shall be determined and enforced  
25 or amended, supplemented, or changed. At least 1 public hearing  
26 shall be held by the commission appointed to recommend zoning  
27 regulations — or, if a commission does not exist, by the

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1 legislative body before a regulation becomes effective. Not less  
2 than 15 days' notice of the time and place of the public hearing  
3 shall first be published in an official paper or a paper of gen-  
4 eral circulation in the city or village. ~~—, and not~~ NOT less  
5 than 15 days' notice of the time and place of the public hearing  
6 shall first be given by mail to each public utility company and  
7 ~~to~~ each railroad company owning or operating any public utility  
8 or railroad within the districts or zones affected, AND THE AIR-  
9 PORT MANAGER OF EACH AIRPORT, that registers its name and mailing  
10 address with the city or village clerk for the purpose of receiv-  
11 ing the notice. An affidavit of mailing shall be maintained. A  
12 hearing shall be granted ~~a~~ TO AN INTERESTED person ~~interested~~  
13 at the time and place specified on the notice.

14 (2) The legislative body of a city or village, unless other-  
15 wise provided by charter, may appoint a commission to recommend  
16 in the first instance the boundaries of districts and appropriate  
17 regulations to be enforced in the districts. If a city or vil-  
18 lage has a planning commission, that commission shall be  
19 appointed to perform the duties set forth in this section. The  
20 commission shall make a tentative report and hold at least 1  
21 public hearing before submitting its final report to the legisla-  
22 tive body. A summary of the comments submitted at the public  
23 hearing shall be transmitted with the report of the commission to  
24 the legislative body. The legislative body may hold additional  
25 public hearings if it considers it necessary ~~—~~ or as may be  
26 required by charter.

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

14           (4) After the ordinance and maps have in the first instance  
15 been approved by the legislative body of a city or village,  
16 amendments or supplements thereto may be made as provided in this  
17 section, except that if an individual property or several adja-  
18 cent properties are proposed for rezoning, notice of the proposed  
19 rezoning and hearing shall be given to the owners of the property  
20 in question at least 15 days before the hearing.

21           (5) Upon presentation of a protest petition meeting the  
22 requirements of this subsection, an amendment to a zoning ordi-  
23 nance which is the object of the petition shall be passed only by  
24 a 2/3 vote of the legislative body, unless a larger vote, but not  
25 to exceed 3/4 vote, is required by ordinance or charter. The  
26 protest petition shall be presented to the legislative body

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1 before final legislative action on the amendment ~~—~~, and shall be  
2 signed by 1 of the following:

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

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

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

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

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

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

20 (a) In the case of a newly adopted zoning ordinance, the  
21 following statement: "A zoning ordinance regulating the develop-  
22 ment and use of land has been adopted by the city (village) coun-  
23 cil of the city (village) of \_\_\_\_\_".

24 (b) In the case of an amendment to an existing ordinance,  
25 either a summary of the regulatory effect of the amendment,  
26 including the geographic area affected, or the text of the  
27 amendment.

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1 (c) The effective date of the ordinance.

2 (d) The place and time where a copy of the ordinance may be  
3 purchased or inspected. The filing and publication requirements  
4 in this section relating to city and village zoning ordinances  
5 supersede charter provisions relating to the filing and publica-  
6 tion of city and village ordinances.

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

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

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

20 (C) "AIRPORT APPROACH PLAN" MEANS A PLAN, OR AN AMENDMENT TO  
21 A PLAN, ADOPTED UNDER SECTION 12 OF THE AIRPORT ZONING ACT, 1950  
22 (EX SESS) PA 23, MCL 259.442, AND FILED WITH THE COMMISSION  
23 APPOINTED TO RECOMMEND ZONING REGULATIONS FOR THE CITY OR VILLAGE  
24 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 CITY OR VILLAGE ZONING COMMISSION UNDER SECTION  
3 151 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA  
4 327, 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, MCL  
10 259.431 TO 259.465, FOR AN AIRPORT HAZARD AREA THAT LIES IN WHOLE  
11 OR PART IN THE AREA AFFECTED BY A ZONING ORDINANCE UNDER THIS  
12 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 13.

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 14 for  
26 the purchase of development rights by a city or village.

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