



# HOUSE BILL No. 5037

October 26, 1999, Introduced by Reps. Green, DeRossett and Law and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1943 PA 183, entitled  
"County zoning act,"  
by amending sections 3, 9, 11a, and 40 (MCL 125.203, 125.209,  
125.211a, and 125.240), section 40 as added by 1996 PA 569.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3. (1) The zoning ordinance shall be based upon a plan  
2 designed to ~~promote~~ DO ALL OF THE FOLLOWING:

3       (A) PROMOTE the public health, safety, and general welfare.  
4 ~~, to encourage~~

5       (B) ENCOURAGE the use of ~~lands~~ LAND in accordance with  
6 ~~their~~ ITS character and adaptability and ~~to~~ limit the  
7 improper use of land. ~~, to conserve~~

8       (C) CONSERVE natural resources and energy. ~~, to meet~~

9       (D) MEET the needs of the state's citizens for food, fiber,  
10 and other natural resources ~~,~~ AND FOR places of residence,

1 recreation, industry, trade, service, and other uses of land. ~~—~~  
 2 ~~to insure~~

3 (E) ENSURE that uses of the land ~~shall be~~ ARE situated in  
 4 appropriate locations and relationships. ~~—, to avoid~~

5 (F) AVOID the overcrowding of population. ~~—, to lessen~~

6 (G) LESSEN congestion on the public roads and streets. ~~—, to~~  
 7 ~~reduce~~

8 (H) REDUCE hazards to life and property. ~~—, to facilitate~~

9 (I) FACILITATE adequate provision for a system of transpor-  
 10 tation, sewage disposal, safe and adequate water supply, educa-  
 11 tion, recreation, and other public needs. ~~—, and to conserve~~

12 (J) CONSERVE the expenditure of funds for public improve-  
 13 ments and services to conform with the most advantageous uses of  
 14 land, resources, and ~~properties~~ PROPERTY.

15 (2) PROMPTLY AFTER AN AIRPORT LAYOUT PLAN OR AIRPORT  
 16 APPROACH PLAN IS FILED WITH THE COUNTY ZONING COMMISSION, THE  
 17 COUNTY SHALL INCORPORATE THE AIRPORT LAYOUT PLAN OR AIRPORT  
 18 APPROACH PLAN INTO THE PLAN REQUIRED UNDER SUBSECTION (1).

19 (3) The ordinance shall be made with reasonable considera-  
 20 tion, among other things, ~~to the~~ OF ALL OF THE FOLLOWING:

21 (A) THE character of each district ~~—~~ AND its peculiar  
 22 suitability for particular uses. ~~—, the~~

23 (B) FOR AN ORDINANCE ADOPTED AFTER THE EFFECTIVE DATE OF THE  
 24 AMENDATORY ACT THAT ADDED THIS SUBDIVISION, THE ENVIRONS OF ANY  
 25 AIRPORT WITHIN A DISTRICT.

26 (C) THE conservation of property values and natural  
 27 resources. ~~—, and the~~

1 (D) THE general and appropriate trend and character of land,  
2 building, and population development.

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

5 (4) IF A ZONING ORDINANCE WAS ADOPTED BEFORE THE EFFECTIVE  
6 DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE ZONING  
7 ORDINANCE IS NOT REQUIRED TO BE CONSISTENT WITH ANY AIRPORT  
8 ZONING REGULATIONS, AIRPORT LAYOUT PLAN, OR AIRPORT APPROACH  
9 PLAN. HOWEVER, ANY ZONING ORDINANCE AMENDMENT ADOPTED OR VARI-  
10 ANCE GRANTED AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT  
11 ADDED THIS SUBSECTION SHALL NOT INCREASE ANY INCONSISTENCY THAT  
12 MAY EXIST BETWEEN THE ZONING ORDINANCE OR STRUCTURES OR USES AND  
13 ANY AIRPORT ZONING REGULATIONS, AIRPORT LAYOUT PLAN, OR AIRPORT  
14 APPROACH PLAN. THIS SUBSECTION DOES NOT LIMIT THE RIGHT TO PETI-  
15 TION FOR SUBMISSION OF A ZONING ORDINANCE AMENDMENT TO THE ELEC-  
16 TORS UNDER SECTION 12.

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

23 Sec. 9. (1) Before submitting its recommendations of a ten-  
24 tative zoning plan to the county board of commissioners, the  
25 county zoning commission shall hold at least 1 public hearing. —  
26 ~~notice of which~~ NOTICE OF THE hearing shall be given by 2  
27 publications in a newspaper published in the county —, ~~and~~ OR,

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

6 (2) Not less than 20 days' notice of the time and place of  
7 the hearing AND NOT LESS THAN 10 DAYS' NOTICE OF ANY ADDITIONAL  
8 PUBLIC HEARING UNDER SECTION 10 shall also be given by mail to  
9 each OF THE FOLLOWING:

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

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

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

25 Sec. 11a. (1) ~~Following~~ NOT MORE THAN 15 DAYS AFTER adop-  
26 tion of a zoning ordinance ~~and~~ OR subsequent amendments by the  
27 county board of commissioners and approval by the department of

~~1 natural resources~~ CONSUMER AND INDUSTRY SERVICES, 1 notice of  
 2 adoption shall be published in a newspaper of general circulation  
 3 in the county. ~~within 15 days after approval by the department~~  
 4 ~~of natural resources. The~~ PROMPTLY FOLLOWING ADOPTION OF A  
 5 ZONING ORDINANCE OR SUBSEQUENT AMENDMENT BY THE COUNTY BOARD OF  
 6 COMMISSIONERS AND APPROVAL BY THE DEPARTMENT OF CONSUMER AND  
 7 INDUSTRY SERVICES, A COPY OF THE NOTICE OF ADOPTION SHALL ALSO BE  
 8 MAILED TO THE AIRPORT MANAGER OF AN AIRPORT ENTITLED TO NOTICE  
 9 UNDER SECTION 9(2).

10 (2) A notice of adoption UNDER SUBSECTION (1) shall include  
 11 the following information:

12 (a) In the case of a newly adopted zoning ordinance the fol-  
 13 lowing statement: ~~—, a~~ "A zoning ordinance regulating the devel-  
 14 opment and use of land has been adopted by the county board of  
 15 commissioners of the county of \_\_\_\_\_."

16 (b) In the case of an amendment to an existing zoning ordi-  
 17 nance, either a summary of the regulatory effect of the amend-  
 18 ment, including the geographic area affected, or the text of the  
 19 amendment.

20 (c) The effective date of the ordinance.

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

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

24 (a) "Agricultural land" means substantially undeveloped land  
 25 devoted to the production of plants and animals useful to humans,  
 26 including forage and sod crops; grains, feed crops, and field  
 27 crops; dairy and dairy products; poultry and poultry products;

1 livestock, including breeding and grazing of cattle, swine, and  
2 similar animals; berries; herbs; flowers; seeds; grasses; nursery  
3 stock; fruits; vegetables; Christmas trees; and other similar  
4 uses and activities.

5 (B) "AIRPORT" MEANS AN AIRPORT LICENSED BY THE MICHIGAN  
6 DEPARTMENT OF TRANSPORTATION, BUREAU OF AERONAUTICS UNDER SECTION  
7 86 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327,  
8 MCL 259.86.

9 (C) "AIRPORT APPROACH PLAN" MEANS A PLAN, OR AN AMENDMENT TO  
10 A PLAN, ADOPTED UNDER SECTION 12 OF THE AIRPORT ZONING ACT, 1950  
11 (EX SESS) PA 23, MCL 259.442, AND FILED WITH THE COUNTY ZONING  
12 COMMISSION UNDER SECTION 151 OF THE AERONAUTICS CODE OF THE STATE  
13 OF MICHIGAN, 1945 PA 327, MCL 259.151.

14 (D) "AIRPORT LAYOUT PLAN" MEANS A PLAN, OR AN AMENDMENT TO A  
15 PLAN, THAT SHOWS CURRENT OR PROPOSED LAYOUT OF AN AIRPORT, THAT  
16 IS APPROVED BY THE MICHIGAN AERONAUTICS COMMISSION, AND THAT IS  
17 FILED WITH THE COUNTY ZONING COMMISSION UNDER SECTION 151 OF THE  
18 AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327, MCL  
19 259.151.

20 (E) "AIRPORT MANAGER" MEANS THAT TERM AS DEFINED IN SECTION  
21 10 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327,  
22 MCL 259.10.

23 (F) "AIRPORT ZONING REGULATIONS" MEANS AIRPORT ZONING REGU-  
24 LATIONS ADOPTED UNDER SECTION 13, 14, 15, 16, OR 17 OF THE AIR-  
25 PORT ZONING ACT, 1950 (EX SESS) PA 23, MCL 259.443, 259.444,  
26 259.445, 259.446, AND 259.447, FOR AN AIRPORT HAZARD AREA THAT

1 LIES IN WHOLE OR PART IN THE AREA AFFECTED BY A ZONING ORDINANCE  
2 UNDER THIS ACT.

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

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

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

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

15 (K) ~~-(f)-~~ "PDR program" means a program under section 32 for  
16 the purchase of development rights by a county.

17 (2) This act shall be known and may be cited as the "county  
18 zoning act".

19 Enacting section 1. This amendatory act does not take  
20 effect unless Senate Bill No. 764 or House Bill  
21 No. \_\_\_\_\_ (request no. 03702'99) of the 90th Legislature is  
22 enacted into law.