

Act No. 385
Public Acts of 2000
Approved by the Governor
January 1, 2001
Filed with the Secretary of State
January 2, 2001
EFFECTIVE DATE: March 28, 2001

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Reps. Green, DeRossett and Law

ENROLLED HOUSE BILL No. 5037

AN ACT to amend 1943 PA 183, entitled "An act to provide for the establishment in portions of counties lying outside the limits of incorporated cities and villages of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that are required for, and the maximum number of families that may be housed in dwellings, buildings, and structures that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise, of property that does not conform to the requirements of the zoning districts so provided; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies," 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:

Sec. 3a. (1) If, after an airport layout plan or airport approach plan is filed with the county zoning commission, a plan required under section 3 is adopted or revised, the county shall incorporate the airport layout plan or airport approach plan into the plan required under section 3.

(2) In addition to the requirements of section 3, a zoning ordinance adopted after the effective date of the amendatory act that added this section shall be adopted after reasonable consideration of both of the following:

(a) The environs of any airport within a district.

(b) Comments received at or before a public hearing under section 9 or 10 from the airport manager of any airport.

(3) If a zoning ordinance was adopted before the effective date of the amendatory act that added this section, the zoning ordinance is not required to be consistent with any airport zoning regulations, airport layout plan, or airport approach plan. However, a zoning ordinance amendment adopted or variance granted after the effective date of the amendatory act that added this section shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan. This section does not limit the right to petition for submission of a zoning ordinance amendment to the electors under section 12.

(4) If a zoning ordinance is adopted after the effective date of the amendatory act that added this section, the zoning ordinance shall be consistent with any airport zoning regulations, airport layout plan, and airport approach plan. This section does not limit the right to petition for submission of a zoning ordinance to the electors under section 12.

Sec. 9. (1) Before submitting its recommendations of a tentative zoning plan to the county board of commissioners, the county zoning commission shall hold at least 1 public hearing. Notice of the hearing shall be given by 2 publications in a newspaper published in the county or, if a newspaper is not published in the county, then in a newspaper published in an adjacent county. The first publication shall be printed not more than 30 days and not less than 20 days, and the second not more than 8 days before the date of the hearing.

(2) Not less than 20 days' notice of the time and place of the hearing shall also be given by mail to each of the following:

(a) Each electric, gas, pipeline, and telephone public utility company, and the airport manager of each airport, that registers the name and mailing address of the company or airport with the county zoning commission for the purpose of receiving the notice of public hearing.

(b) Each railroad within the district or zone affected.

(3) The notices under this section shall include the places and times at which the tentative text and maps of the zoning ordinance may be examined. The county zoning commission shall maintain a file of each affidavit of mailing for each mailing made under this section. If an individual property or several adjacent properties are proposed for rezoning, notice of the proposed rezoning and hearing shall be given to the owners of the property in question at least 20 days before the hearing.

Sec. 11a. (1) Not more than 15 days after adoption of a zoning ordinance or subsequent amendments by the county board of commissioners and approval by the department of consumer and industry services, 1 notice of adoption shall be published in a newspaper of general circulation in the county. Promptly following adoption of a zoning ordinance or subsequent amendment by the county board of commissioners and approval by the department of consumer and industry services, a copy of the notice of adoption shall also be mailed to the airport manager of an airport entitled to notice under section 9(2).

(2) A notice of adoption under subsection (1) shall include the following information:

(a) In the case of a newly adopted zoning ordinance the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the county board of commissioners of the county of _____".

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

(c) The effective date of the ordinance.

(d) The place where and time when a copy of the ordinance may be purchased or inspected.

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

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

(b) "Airport" means an airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.86.

(c) "Airport approach plan" means a plan, or an amendment to a plan, adopted under section 12 of the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.442, and filed with the county zoning commission under section 151 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.151.

(d) "Airport layout plan" means a plan, or an amendment to a plan, that shows current or proposed layout of an airport, that is approved by the Michigan aeronautics commission, and that is filed with the county zoning commission under section 151 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.151.

(e) "Airport manager" means that term as defined in section 10 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.10.

(f) "Airport zoning regulations" means airport zoning regulations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act.

(g) "Development rights" means the rights to develop land to the maximum intensity of development authorized by law.

(h) "Development rights ordinance" means an ordinance, which may comprise part of a zoning ordinance, adopted under section 31.

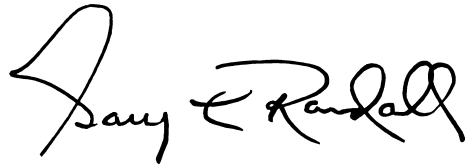
(i) "Intensity of development" means the height, bulk, area, density, setback, use, and other similar characteristics of development.

(j) "Other eligible land" means land that has a common property line with agricultural land from which development rights have been purchased and that is not divided from that agricultural land by a state or federal limited access highway.

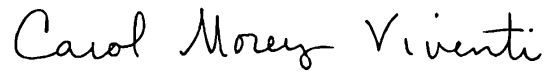
(k) "PDR program" means a program under section 32 for the purchase of development rights by a county.

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

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



Clerk of the House of Representatives.



Secretary of the Senate.

Approved _____

Governor.