

Legislative Analysis



MICHIGAN ZONING ENABLING ACT

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 4398 (Substitute H-1)

Sponsor: Rep. Kevin Elsenheimer

Committee: Local Government and Urban Policy

First Analysis (6-1-05)

BRIEF SUMMARY: The bill would repeal three zoning acts — the City and Village Zoning Act, the County Zoning Act, and the Township Zoning Act — and replace them with a single new act, the Michigan Zoning Enabling Act.

FISCAL IMPACT: The bill would not appear to have any significant fiscal impact.

THE APPARENT PROBLEM:

Currently, there are three separate acts governing zoning in local units of government, one for cities and villages, one for townships, and one for counties. They contain many similar provisions. The township and county acts are very similar, but the act for cities and villages is organized differently. One of the recommendations of the final report of the Michigan Land Use Leadership Council in August of 2003 was the unification and modernization of the three zoning enabling acts. A recent legislative work group has molded the three existing zoning acts into a single new act that, while modernized and reorganized, does not make substantive changes to current zoning laws.

THE CONTENT OF THE BILL:

The bill would repeal three zoning acts — the City and Village Zoning Act, the County Zoning Act, and the Township Zoning Act — and replace them with a single new act, the Zoning Enabling Act.

Generally speaking, the new act would be a recodification of current zoning laws, with the provisions of the existing laws combined into one statute. Provisions are reorganized but do not appear to be substantially changed.

In most cases, the bill would provide uniform provisions for the different forms of local government, but separate provisions would be retained in a few cases to reflect current differences in the composition, jurisdiction, and operations of zoning commissions of counties, cities and villages, and townships.

ARGUMENTS:

For:

The Michigan Association of Planning has listed the following as the benefits of creating one new act to replace the three current zoning acts:

** One act is significantly easier to amend than three should legislation become necessary in the future.

** One act means fewer pages to read, search, and duplicate and less time to process future changes or prepare training material on changes. One act also means a simplification of legal citations.

** Local units are provided with common powers and responsibilities (except in a few special cases), and the public hearing notice provisions are the same for all units for ease of compliance.

** The legislation eliminates archaic language, thus making the act easier to understand.

** The structure of the new act, with separate articles for similar topics, makes it easier to use and reference, and the structure itself makes amending the act easier.

POSITIONS:

The Department of Labor and Economic Growth supports the bill. (5-16-05)

The Michigan Association of Planning supports the bill. (5-25-05)

The Michigan Environmental Council supports the bill. (5-16-05)

The Michigan Municipal League does not yet have an official position on the bill but has indicated that it supports the concepts embodied in the bill. (5-16-05)

The Michigan Association of Counties does not yet have an official position on the bill but has indicated that it supports the concept of the bill. (5-25-05)

Legislative Analyst: Chris Couch
Fiscal Analyst: Jim Stansell

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.