



Senate Fiscal Agency
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**BILL ANALYSIS**

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Senate Bill 430 (as reported by the Committee of the Whole)

Sponsor: Senator Gerald Van Woerkom

Committee: Local, Urban and State Affairs

CONTENT

The bill would amend the Airport Zoning Act to provide for the automatic granting of a permit or variance for the construction, establishment, alteration, or repair of a structure, or the growth of a tree, under certain circumstances.

Specifically, an application for a permit or variance under Section 23 or 24, respectively, to construct, establish, rebuild, or substantially change, alter, or repair a structure or to replant a tree or allow a tree to grow tall would have to be considered granted if all of the following applied:

- The applicant had been granted a permit for the activity under the Tall Structure Act.
- Ninety days had elapsed since the application was filed pursuant to the procedures specified in the applicable zoning regulations and the administrative agency authorized to enforce the airport zoning regulations had neither granted nor denied the application.
- The applicant had been granted any necessary permits or other approvals for the activity from the Federal Aviation Administration (FAA).

(Under Section 23, any airport zoning regulations adopted under the Airport Zoning Act by a joint airport zoning board must require that a permit be obtained before any new structure or use may be constructed or established and before any existing use or structure may be substantially changed, altered or repaired. Under Section 24, if a person wants to erect a structure, increase the height of a structure, permit the growth of a tree, or otherwise use property in violation of the airport zoning regulations adopted under the Act, the person may apply for a variance from the zoning regulations in question.

The Tall Structure Act requires a permit from the Michigan Aeronautics Commission for the construction of structures that would exceed certain heights within the vicinity of an airport.)

Proposed MCL 259.454a

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 4-30-09

Fiscal Analyst: David Zin