

HOUSE BILL No. 5912

June 4, 1998, Introduced by Rep. Nye and referred to the Committee on Local Government.

A bill to amend 1943 PA 184, entitled
"Township zoning act,"
by amending sections 3, 9, 11a, and 40 (MCL 125.273, 125.279,
125.281a, and 125.310), section 40 as added by 1996 PA 570.

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 residents 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 provide~~

6 (G) PROVIDE adequate light and air. ~~→ to lessen~~

7 (H) LESSEN congestion on the public roads and streets. ~~→ to~~
 8 ~~reduce~~

9 (I) REDUCE hazards to life and property. ~~→ to facilitate~~

10 (J) FACILITATE adequate provision for a system of transpor-
 11 tation, sewage disposal, safe and adequate water supply, educa-
 12 tion, recreation, and other public ~~requirements; and to~~ NEEDS.

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

16 (2) PROMPTLY AFTER AN AIRPORT LAYOUT PLAN OR AIRPORT
 17 APPROACH PLAN IS FILED WITH THE TOWNSHIP ZONING BOARD, THE TOWN-
 18 SHIP SHALL INCORPORATE THE AIRPORT LAYOUT PLAN OR AIRPORT
 19 APPROACH PLAN INTO THE PLAN REQUIRED UNDER SUBSECTION (1).

20 (3) The zoning ordinance shall be made with reasonable con-
 21 sideration OF, among other things, ~~to the~~ ALL OF THE
 22 FOLLOWING:

23 (A) THE character of each district ~~→~~ AND its peculiar
 24 suitability for particular uses. ~~→ the~~

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

1 (C) THE conservation of property values and natural
2 resources. ~~and the~~

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

5 (E) COMMENTS RECEIVED AT OR BEFORE A PUBLIC HEARING UNDER
6 SECTION 9 OR 11 FROM THE AIRPORT MANAGER OF ANY AIRPORT.

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

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

25 Sec. 9. (1) Before submitting its recommendations of a
26 tentative zoning ordinance to the township, the township zoning
27 board shall hold not less than 1 public hearing, notice of which

1 hearing shall be given by 2 publications in a newspaper of
2 general circulation in the township, the first to be printed not
3 more than 30 days ~~nor~~ AND NOT less than 20 days and the second
4 not more than 8 days before the date of the hearing.

5 (2) Not less than 20 days' notice of the time and place of
6 the hearing AND NOT LESS THAN 10 DAYS' NOTICE OF ANY ADDITIONAL
7 PUBLIC HEARING UNDER SECTION 11 shall also be given by mail to
8 each electric, gas, pipeline, and telephone public utility com-
9 pany, ~~and to~~ each railroad operating within the district or
10 zone affected, AND THE AIRPORT MANAGER OF EACH AIRPORT, that reg-
11 isters its name and mailing address with the township zoning com-
12 mission for the purpose of receiving the notice.

13 (3) An affidavit of mailing shall be maintained. The
14 notices shall include the places and times at which the tentative
15 text and any maps of the zoning ordinance may be examined.

16 Sec. 11a. (1) The zoning ordinance ~~, as well as~~ OR sub-
17 sequent amendments or supplements shall be filed with the town-
18 ship clerk, and 1 notice of ordinance adoption shall be published
19 in a newspaper of general circulation in the township within 15
20 days after adoption. PROMPTLY FOLLOWING ADOPTION OF A ZONING
21 ORDINANCE OR SUBSEQUENT AMENDMENT BY THE TOWNSHIP BOARD, A COPY
22 OF THE NOTICE OF ADOPTION SHALL ALSO BE MAILED TO THE AIRPORT
23 MANAGER OF AN AIRPORT ENTITLED TO NOTICE UNDER SECTION 9(2).

24 (2) The notice of ordinance adoption UNDER SUBSECTION (1)
25 shall include the following information:

26 (a) In the case of a newly adopted zoning ordinance, the
27 following statement: "A zoning ordinance regulating the

1 development and use of land has been adopted by the township
2 board of the township of _____".

3 (b) In the case of an amendment to an existing zoning ordi-
4 nance, either a summary of the regulatory effect of the amend-
5 ment, including the geographic area affected, or the text of the
6 amendment.

7 (c) The effective date of the ordinance.

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

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

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

19 (B) "AIRPORT" MEANS AN AIRPORT LICENSED BY THE MICHIGAN
20 DEPARTMENT OF TRANSPORTATION, BUREAU OF AERONAUTICS UNDER SECTION
21 86 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327,
22 MCL 259.86.

23 (C) "AIRPORT APPROACH PLAN" MEANS A PLAN, OR AN AMENDMENT TO
24 A PLAN, ADOPTED UNDER SECTION 12 OF THE AIRPORT ZONING ACT, 1950
25 (EX SESS) PA 23, MCL 259.442, AND FILED WITH THE TOWNSHIP ZONING
26 BOARD UNDER SECTION 151 OF THE AERONAUTICS CODE OF THE STATE OF
27 MICHIGAN, 1945 PA 327, MCL 259.151.

1 (D) "AIRPORT LAYOUT PLAN" MEANS A PLAN, OR AN AMENDMENT TO A
2 PLAN, THAT SHOWS CURRENT OR PROPOSED LAYOUT OF AN AIRPORT, THAT
3 IS APPROVED BY THE MICHIGAN AERONAUTICS COMMISSION, AND THAT IS
4 FILED WITH THE TOWNSHIP ZONING BOARD UNDER SECTION 151 OF THE
5 AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327, MCL
6 259.151.

7 (E) "AIRPORT MANAGER" MEANS THAT TERM AS DEFINED IN SECTION
8 10 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327,
9 MCL 259.10.

10 (F) "AIRPORT ZONING REGULATIONS" MEANS AIRPORT ZONING REGU-
11 LATIONS ADOPTED UNDER SECTION 13, 14, OR 17 OF THE AIRPORT ZONING
12 ACT, 1950 (EX SESS) PA 23, MCL 259.443, 259.444, AND 259.447, FOR
13 AN AIRPORT HAZARD AREA THAT LIES IN WHOLE OR PART IN THE AREA
14 AFFECTED BY A ZONING ORDINANCE UNDER THIS ACT.

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

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

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

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

1 (K) ~~—(f)—~~ "PDR program" means a program under section 32 for
2 the purchase of development rights by a township.

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

5 Enacting section 1. This amendatory act does not take
6 effect unless Senate Bill No. _____ or House Bill No. _____
7 (request no. 02286'97) of the 89th Legislature is enacted into
8 law.