



HOUSE BILL No. 5036

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 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~~
 13 ~~conserve~~ NEEDS.

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

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

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

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

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

4 (C) THE conservation of property values and natural
5 resources. ~~and the~~

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

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

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

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

1 Sec. 9. (1) Before submitting its recommendations of a
2 tentative zoning ordinance to the township, the township zoning
3 board shall hold ~~not less than~~ AT LEAST 1 public hearing. ~~—~~
4 ~~notice of which~~ NOTICE OF THE hearing shall be given by 2 publi-
5 cations in a newspaper of general circulation in the township. ~~—~~
6 ~~the first to~~ THE FIRST PUBLICATION SHALL be printed not more
7 than 30 days ~~nor~~ AND NOT less than 20 days and the second not
8 more than 8 days before the date of the hearing.

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

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

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

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

3 (a) In the case of a newly adopted zoning ordinance, the
4 following statement: "A zoning ordinance regulating the develop-
5 ment and use of land has been adopted by the township board of
6 the township of _____".

7 (b) In the case of an amendment to an existing zoning ordi-
8 nance, either a summary of the regulatory effect of the amend-
9 ment, including the geographic area affected, or the text of the
10 amendment.

11 (c) The effective date of the ordinance.

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

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

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

23 (B) "AIRPORT" MEANS AN AIRPORT LICENSED BY THE MICHIGAN
24 DEPARTMENT OF TRANSPORTATION, BUREAU OF AERONAUTICS UNDER SECTION
25 86 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327,
26 MCL 259.86.

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

6 (D) "AIRPORT LAYOUT PLAN" MEANS A PLAN, OR AN AMENDMENT TO A
7 PLAN, THAT SHOWS CURRENT OR PROPOSED LAYOUT OF AN AIRPORT, THAT
8 IS APPROVED BY THE MICHIGAN AERONAUTICS COMMISSION, AND THAT IS
9 FILED WITH THE TOWNSHIP ZONING BOARD UNDER SECTION 151 OF THE
10 AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327, MCL
11 259.151.

12 (E) "AIRPORT MANAGER" MEANS THAT TERM AS DEFINED IN SECTION
13 10 OF THE AERONAUTICS CODE OF THE STATE OF MICHIGAN, 1945 PA 327,
14 MCL 259.10.

15 (F) "AIRPORT ZONING REGULATIONS" MEANS AIRPORT ZONING REGU-
16 LATIONS ADOPTED UNDER SECTION 13, 14, 15, 16, OR 17 OF THE AIR-
17 PORT ZONING ACT, 1950 (EX SESS) PA 23, MCL 259.443, 259.444,
18 259.445, 259.446, AND 259.447, FOR AN AIRPORT HAZARD AREA THAT
19 LIES IN WHOLE OR PART IN THE AREA AFFECTED BY A ZONING ORDINANCE
20 UNDER THIS ACT.

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

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

1 (I) ~~(d)~~ "Intensity of development" means the height, bulk,
2 area, density, setback, use, and other similar characteristics of
3 development.

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

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

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

12 Enacting section 1. This amendatory act does not take
13 effect unless Senate Bill No. 764 or House Bill No. _____
14 (request no. 03702'99) of the 90th Legislature is enacted into
15 law.