

# HOUSE BILL No. 6415

September 8, 2010, Introduced by Rep. Rick Jones and referred to the Committee on Energy and Technology.

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending section 102 (MCL 125.3102), as amended by 2008 PA 12, and by adding section 511.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 102. As used in this act:

2           (a) "Agricultural land" means substantially undeveloped land  
3 devoted to the production of plants and animals useful to humans,  
4 including, but not limited to, forage and sod crops, grains, feed  
5 crops, field crops, dairy products, poultry and poultry products,  
6 livestock, herbs, flowers, seeds, grasses, nursery stock, fruits,  
7 vegetables, Christmas trees, and other similar uses and activities.

8           (b) "Airport" means an airport licensed by the Michigan  
9 department of transportation, bureau of aeronautics under section

1 86 of the aeronautics code of the state of Michigan, 1945 PA 327,  
2 MCL 259.86.

3 (c) "Airport approach plan" ~~and~~ ~~OR~~ "airport layout plan" ~~mean~~  
4 ~~a~~ **MEANS AN AIRPORT APPROACH PLAN OR AIRPORT LAYOUT** plan,  
5 **RESPECTIVELY,** or an amendment to ~~a~~ ~~THE~~ plan, filed with the zoning  
6 commission under section 151 of the aeronautics code of the state  
7 of Michigan, 1945 PA 327, MCL 259.151.

8 (d) "Airport manager" means that term as defined in section 2  
9 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL  
10 259.2.

11 (e) "Airport zoning regulations" means airport zoning  
12 regulations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL  
13 259.431 to 259.465, for an airport hazard area that lies in whole  
14 or part in the area affected by a zoning ordinance under this act.

15 (f) "Conservation easement" means that term as defined in  
16 section 2140 of the natural resources and environmental protection  
17 act, 1994 PA 451, MCL 324.2140.

18 (g) "Coordinating zoning committee" means a coordinating  
19 zoning committee as described under section 307.

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

22 (i) "Development rights ordinance" means an ordinance, which  
23 may comprise part of a zoning ordinance, adopted under section 507.

24 (j) "Family child care home" and "group child care home" mean  
25 those terms as defined in section 1 of 1973 PA 116, MCL 722.111,  
26 and only apply to the bona fide private residence of the operator  
27 of the family or group child care home.

1           (k) "Greenway" means a contiguous or linear open space,  
2 including habitats, wildlife corridors, and trails, that links  
3 parks, nature reserves, cultural features, or historic sites with  
4 each other, for recreation and conservation purposes.

5           (l) "Improvements" means those features and actions associated  
6 with a project that are considered necessary by the body or  
7 official granting zoning approval to protect natural resources or  
8 the health, safety, and welfare of the residents of a local unit of  
9 government and future users or inhabitants of the proposed project  
10 or project area, including roadways, lighting, utilities,  
11 sidewalks, screening, and drainage. Improvements do not include the  
12 entire project that is the subject of zoning approval.

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

16           (n) "Legislative body" means the county board of commissioners  
17 of a county, the board of trustees of a township, or the council or  
18 other similar elected governing body of a city or village.

19           (o) "Local unit of government" means a county, township, city,  
20 or village.

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

25           (q) "Person" means an individual, partnership, corporation,  
26 association, governmental entity, or other legal entity.

27           (r) "Population" means the population according to the most

1 recent federal decennial census or according to a special census  
2 conducted under section 7 of the Glenn Steil state revenue sharing  
3 act of 1971, 1971 PA 140, MCL 141.907, whichever is the more  
4 recent.

5 (s) "Site plan" includes the documents and drawings required  
6 by the zoning ordinance to ensure that a proposed land use or  
7 activity is in compliance with local ordinances and state and  
8 federal statutes.

9 (t) "State licensed residential facility" means a structure  
10 constructed for residential purposes that is licensed by the state  
11 under the adult foster care facility licensing act, 1979 PA 218,  
12 MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and  
13 provides residential services for 6 or fewer individuals under 24-  
14 hour supervision or care.

15 (u) "Undeveloped state" means a natural state preserving  
16 natural resources, natural features, scenic or wooded conditions,  
17 agricultural use, open space, or a similar use or condition. Land  
18 in an undeveloped state does not include a golf course but may  
19 include a recreational trail, picnic area, children's play area,  
20 greenway, or linear park. Land in an undeveloped state may be, but  
21 is not required to be, dedicated to the use of the public.

22 (v) "Zoning commission" means a zoning commission as described  
23 under section 301.

24 (w) "Zoning jurisdiction" means the area encompassed by the  
25 legal boundaries of a city or village or the area encompassed by  
26 the legal boundaries of a county or township outside the limits of  
27 incorporated cities and villages. The zoning jurisdiction of a

1 county does not include the areas subject to a township zoning  
2 ordinance. FOR THE PURPOSE OF ZONING WITH RESPECT TO WIND TURBINE  
3 TOWERS, ALL OF THE FOLLOWING APPLY:

4 (i) THE ZONING JURISDICTION OF A CITY, VILLAGE, OR CHARTER  
5 TOWNSHIP EXTENDS OUTWARD 1.5 MILES FROM THE BOUNDARY OF THAT LOCAL  
6 UNIT OF GOVERNMENT INTO UNINCORPORATED AREAS.

7 (ii) THE ZONING JURISDICTION OF A GENERAL LAW TOWNSHIP OR  
8 COUNTY DOES NOT INCLUDE AREAS WITHIN 1.5 MILES OF A CITY, VILLAGE,  
9 OR CHARTER TOWNSHIP.

10 SEC. 511. (1) A ZONING ORDINANCE SHALL NOT REQUIRE A WIND  
11 TURBINE TOWER LOCATED ON THE PROPERTY OF THE END USER OF THE  
12 ELECTRICITY GENERATED BY THAT WIND TURBINE TO BE SET BACK FROM THE  
13 END USER'S PROPERTY LINE MORE THAN 1.1 TIMES THE HEIGHT OF THE WIND  
14 TURBINE TOWER.

15 (2) A TOWER DESIGNED SOLELY TO COLLECT WIND GENERATION DATA IN  
16 AN AREA SUBJECT TO A ZONING ORDINANCE SHALL BE DISMANTLED NOT MORE  
17 THAN 3 YEARS AFTER INSTALLATION COMMENCES.