

[No. 384]

(HB 5036)

AN ACT to amend 1943 PA 184, entitled "An act to provide for the establishment in townships of zoning districts within which the proper use of land and natural resources may be encouraged or regulated by ordinance, and for which districts provisions may also be adopted designating the location of, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and trailer coaches, that are erected or altered; to designate the use of certain state licensed residential facilities; to provide for a method for the adoption of ordinances and amendments to ordinances; to provide for emergency interim ordinances; to provide for the acquisition by purchase, condemnation, or otherwise of nonconforming property; to provide for the administering of ordinances adopted; to provide for conflicts with other acts, ordinances, or regulations; to provide sanctions for violations; to provide for the assessment, levy, and collection of taxes; to provide for the collection of fees for building permits; to provide for petitions, public hearings, and referenda; to provide for appeals; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; to provide for special assessments; and to prescribe penalties and provide remedies," by amending sections 9, 11a, and 40 (MCL 125.279, 125.281a, and 125.310), section 40 as added by 1996 PA 570, and by adding section 3a.

The People of the State of Michigan enact:

125.273a Airport layout plan or airport approach plan; incorporation into plan required under § 125.273; adoption of zoning plan; ordinance; consistency. [M.S.A. 5.2963(3a)]

Sec. 3a. (1) If, after an airport layout plan or airport approach plan is filed with the township zoning board, a plan required under section 3 is adopted or revised, the township shall incorporate the airport layout plan or airport approach plan into the plan required under section 3.

(2) In addition to the requirements of section 3, a zoning ordinance adopted after the effective date of the amendatory act that added this section shall be adopted after reasonable consideration of both of the following:

(a) The environs of any airport within a district.

(b) Comments received at or before a public hearing under section 9 or 11 from the airport manager of any airport.

(3) If a zoning ordinance was adopted before the effective date of the amendatory act that added this section, the zoning ordinance is not required to be consistent with any airport zoning regulations, airport layout plan, or airport approach plan. However, a zoning ordinance amendment adopted or variance granted after the effective date of the amendatory act that added this section shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan. This section does not limit the right to petition for submission of a zoning ordinance amendment to the electors under section 12.

(4) If a zoning ordinance is adopted after the effective date of the amendatory act that added this section, the zoning ordinance shall be consistent with any airport zoning regulations, airport layout plan, and airport approach plan. This section does not limit the right to petition for submission of a zoning ordinance to the electors under section 12.

**125.279 Public hearing; notice; affidavit of mailing.
[M.S.A. 5.2963(9)]**

Sec. 9. (1) Before submitting its recommendations of a tentative zoning ordinance to the township, the township zoning board shall hold at least 1 public hearing. Notice of the hearing shall be given by 2 publications in a newspaper of general circulation in the township. The first publication shall be printed not more than 30 days and not less than 20 days and the second not more than 8 days before the date of the hearing.

(2) Not less than 20 days' notice of the time and place of the hearing shall also be given by mail to each electric, gas, pipeline, and telephone public utility company, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township zoning commission for the purpose of receiving the notice.

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

**125.281a Filing zoning ordinance with amendments or supplements;
publication and contents of notice of ordinance adoption.
[M.S.A. 5.2963(11a)]**

Sec. 11a. (1) The zoning ordinance or subsequent amendments or supplements shall be filed with the township clerk, and 1 notice of ordinance adoption shall be published in a newspaper of general circulation in the township within 15 days after adoption. Promptly following adoption of a zoning ordinance or subsequent amendment by the township board, a copy of the notice of adoption shall also be mailed to the airport manager of an airport entitled to notice under section 9(2).

(2) The notice of ordinance adoption under subsection (1) shall include the following information:

(a) In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the township board of the township of _____".

(b) In the case of an amendment to an existing zoning ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.

(c) The effective date of the ordinance.

(d) The place where and time when a copy of the ordinance may be purchased or inspected.

125.310 Definitions; short title. [M.S.A. 5.2963(40)]

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

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

(b) "Airport" means an airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.86.

(c) "Airport approach plan" means a plan, or an amendment to a plan, adopted under section 12 of the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.442, and filed with the

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township zoning board under section 151 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.151.

(d) "Airport layout plan" means a plan, or an amendment to a plan, that shows current or proposed layout of an airport, that is approved by the Michigan aeronautics commission, and that is filed with the township zoning board under section 151 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.151.

(e) "Airport manager" means that term as defined in section 10 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.10.

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

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

(h) "Development rights ordinance" means an ordinance, which may comprise part of a zoning ordinance, adopted under section 31.

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

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

(k) "PDR program" means a program under section 32 for the purchase of development rights by a township.

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

Conditional effective date.

Enacting section 1. This amendatory act does not take effect unless Senate Bill No. 764 of the 90th Legislature is enacted into law.

Approved January 1, 2001.

Filed with Secretary of State January 2, 2001.

Compiler's note: Senate Bill No. 764, referred to in enacting section 1, was filed with the Secretary of State January 2, 2001, and became P.A. 2000, No. 382, Imd. Eff. Jan. 2, 2001.
