

SUBSTITUTE FOR  
HOUSE BILL NO. 5211

A bill to amend 2006 PA 110, entitled  
"Michigan zoning enabling act,"  
by amending section 203 (MCL 125.3203).

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

1       Sec. 203. (1) ~~The~~**A** zoning ordinance shall be based upon a  
2 plan designed to promote the public health, safety, and general  
3 welfare, to encourage the use of lands in accordance with their  
4 character and adaptability, to limit the improper use of land, to  
5 conserve natural resources and energy, to meet the needs of the  
6 state's residents for food, fiber, and other natural resources,  
7 places of residence, recreation, industry, trade, service, and  
8 other uses of land, to ~~insure~~**ENSURE** that uses of the land shall be  
9 situated in appropriate locations and relationships, to avoid the  
10 overcrowding of population, to provide adequate light and air, to

1 lessen congestion on the public roads and streets, to reduce  
2 hazards to life and property, to facilitate adequate provision for  
3 a system of transportation **INCLUDING, SUBJECT TO SUBSECTION (5),**  
4 **PUBLIC TRANSPORTATION,** sewage disposal, safe and adequate water  
5 supply, education, recreation, and other public requirements, and  
6 to conserve the expenditure of funds for public improvements and  
7 services to conform with the most advantageous uses of land,  
8 resources, and properties. ~~The~~ **A** zoning ordinance shall be made  
9 with reasonable consideration ~~to~~ **OF** the character of each district,  
10 its peculiar suitability for particular uses, the conservation of  
11 property values and natural resources, and the general and  
12 appropriate trend and character of land, building, and population  
13 development.

14 (2) If a local unit of government adopts or revises a plan  
15 required under subsection (1) after an airport layout plan or  
16 airport approach plan has been filed with the local unit of  
17 government, the local unit of government shall incorporate the  
18 airport layout plan or airport approach plan into the plan adopted  
19 under subsection (1).

20 (3) In addition to the requirements of subsection (1), a  
21 zoning ordinance adopted after March 28, 2001 shall be adopted  
22 after reasonable consideration of both of the following:

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

24 (b) Comments received at or before a public hearing under  
25 section 306 ~~or transmitted under section 308~~ from the airport  
26 manager of any airport.

27 (4) If a zoning ordinance was adopted before March 28, 2001,

1 the zoning ordinance is not required to be consistent with any  
2 airport zoning regulations, airport layout plan, or airport  
3 approach plan. A zoning ordinance amendment adopted or variance  
4 granted after March 28, 2001 shall not increase any inconsistency  
5 that may exist between the zoning ordinance or structures or uses  
6 and any airport zoning regulations, airport layout plan, or airport  
7 approach plan. This section does not limit the right to petition  
8 for submission of a zoning ordinance amendment to the electors  
9 under section 402 or the right to file a protest petition under  
10 section 403.

11 (5) THE REFERENCE TO PUBLIC TRANSPORTATION FACILITIES IN  
12 SUBSECTION (1) ONLY APPLIES TO A PLAN THAT IS ADOPTED OR  
13 SUBSTANTIVELY AMENDED MORE THAN 90 DAYS AFTER THE EFFECTIVE DATE OF  
14 THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.