

HOUSE BILL No. 5211

July 16, 2009, Introduced by Reps. Donigan, Lisa Brown, Meadows, Haase, Barnett, Polidori, Bauer, Warren and Byrnes and referred to the Committee on Intergovernmental and Regional Affairs.

A bill to amend 2006 PA 110, entitled "Michigan zoning enabling act," by amending sections 203 and 501 (MCL 125.3203 and 125.3501), section 501 as amended by 2008 PA 12.

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

1 overcrowding of population, to provide adequate light and air, to
2 lessen congestion on the public roads and streets, to reduce
3 hazards to life and property, to facilitate adequate provision for
4 a system of transportation **INCLUDING PUBLIC TRANSPORTATION**, sewage
5 disposal, safe and adequate water supply, education, recreation,
6 and other public requirements, and to conserve the expenditure of
7 funds for public improvements and services to conform with the most
8 advantageous uses of land, resources, and properties. ~~The~~**A** zoning
9 ordinance shall be made with reasonable consideration ~~to~~**OF** the
10 character of each district, its peculiar suitability for particular
11 uses, the conservation of property values and natural resources,
12 and the general and appropriate trend and character of land,
13 building, and population 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 Sec. 501. (1) The local unit of government may require the
12 submission and approval of a site plan before authorization of a
13 land use or activity regulated by a zoning ordinance. The zoning
14 ordinance shall specify the body or official responsible for
15 reviewing site plans and granting approval.

16 (2) If a zoning ordinance requires site plan approval, the
17 site plan, as approved, shall become part of the record of
18 approval, and subsequent actions relating to the activity
19 authorized shall be consistent with the approved site plan, unless
20 a change conforming to the zoning ordinance is agreed to by the
21 landowner and the body or official that initially approved the site
22 plan.

23 (3) The procedures and requirements for the submission and
24 approval of site plans shall be specified in the zoning ordinance.
25 Site plan submission, review, and approval shall be required for
26 special land uses and planned unit developments.

27 (4) A decision rejecting, approving, or conditionally

1 approving a site plan shall be based upon requirements and
2 standards contained in the zoning ordinance, other statutorily
3 authorized and properly adopted local unit of government planning
4 documents, other applicable ordinances, and state and federal
5 statutes. **IF A LOCAL UNIT OF GOVERNMENT IS LOCATED IN A
6 METROPOLITAN STATISTICAL AREA AS DEFINED BY THE UNITED STATES
7 DEPARTMENT OF COMMERCE OR A SUCCESSOR AGENCY, A ZONING ORDINANCE OF
8 THE LOCAL UNIT OF GOVERNMENT SHALL REQUIRE, AS PART OF ANY SITE
9 PLAN REVIEW, CONSIDERATION OF THE PROXIMITY OF ADEQUATE PUBLIC
10 TRANSPORTATION TO THE PROPOSED LAND USE OR ACTIVITY.**

11 (5) A site plan shall be approved if it contains the
12 information required by the zoning ordinance and is in compliance
13 with the conditions imposed under the zoning ordinance, other
14 statutorily authorized and properly adopted local unit of
15 government planning documents, other applicable ordinances, and
16 state and federal statutes.