

SENATE BILL No. 1332

May 12, 2010, Introduced by Senators BARCIA, OLSHOVE, BASHAM, JACOBS, CHERRY, ANDERSON, ALLEN and HUNTER and referred to the Committee on Senior Citizens and Veterans Affairs.

A bill to amend 2006 PA 110, entitled
"Michigan zoning enabling act,"
by amending sections 102 and 203 (MCL 125.3102 and 125.3203),
section 102 as amended by 2008 PA 12.

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 "airport layout plan" mean a
4 plan, or an amendment to a plan, filed with the zoning commission
5 under section 151 of the aeronautics code of the state of Michigan,
6 1945 PA 327, MCL 259.151.

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

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

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

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

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

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

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

27 (k) "Greenway" means a contiguous or linear open space,

1 including habitats, wildlife corridors, and trails, that links
2 parks, nature reserves, cultural features, or historic sites with
3 each other, for recreation and conservation purposes.

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

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

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

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

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

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

26 (r) "Population" means the population according to the most
27 recent federal decennial census or according to a special census

1 conducted under section 7 of the Glenn Steil state revenue sharing
2 act of 1971, 1971 PA 140, MCL 141.907, whichever is the more
3 recent.

4 (S) "SENIOR CITIZEN" MEANS AN INDIVIDUAL WHO IS AT LEAST 65
5 YEARS OLD.

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

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

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

23 (W) ~~(v)~~—"Zoning commission" means a zoning commission as
24 described under section 301.

25 (X) ~~(w)~~—"Zoning jurisdiction" means the area encompassed by
26 the legal boundaries of a city or village or the area encompassed
27 by the legal boundaries of a county or township outside the limits

1 of incorporated cities and villages. The zoning jurisdiction of a
2 county does not include the areas subject to a township zoning
3 ordinance.

4 Sec. 203. (1) ~~The~~**A** zoning ordinance shall be based upon a
5 plan designed to promote the public health, safety, and general
6 welfare, to encourage the use of lands in accordance with their
7 character and adaptability, to limit the improper use of land, to
8 conserve natural resources and energy, to meet the needs of the
9 state's residents for food, fiber, and other natural resources,
10 places of residence, recreation, industry, trade, service, and
11 other uses of land, to ~~insure~~**ENSURE** that uses of the land shall be
12 situated in appropriate locations and relationships, to avoid the
13 overcrowding of population, to provide adequate light and air, to
14 lessen congestion on the public roads and streets, to reduce
15 hazards to life and property, to facilitate adequate provision for
16 a system of transportation, sewage disposal, safe and adequate
17 water supply, education, recreation, and other public requirements,
18 and to conserve the expenditure of funds for public improvements
19 and services to conform with the most advantageous uses of land,
20 resources, and properties. ~~The~~**A TOWNSHIP WITH A POPULATION OF**
21 **20,000 OR MORE, A CITY, OR A VILLAGE SHALL SPECIFICALLY CONSIDER**
22 **THE NEEDS OF SENIOR CITIZENS BEFORE ADOPTING A PLAN OR SUBSTANTIVE**
23 **AMENDMENT TO A PLAN UNDER THIS SUBSECTION.**

24 (2) **A** zoning ordinance shall be made with reasonable
25 consideration ~~to~~**OF** the character of each district, its peculiar
26 suitability for particular uses, the conservation of property
27 values and natural resources, and the general and appropriate trend

1 and character of land, building, and population development.

2 (3) ~~(2)~~—If a local unit of government adopts or revises a plan
3 required under subsection (1) after an airport layout plan or
4 airport approach plan has been filed with the local unit of
5 government, the local unit of government shall incorporate the
6 airport layout plan or airport approach plan into the plan adopted
7 under subsection (1).

8 (4) ~~(3)~~—In addition to the requirements of subsection ~~(1)~~ ~~(2)~~,
9 a zoning ordinance adopted after March 28, 2001 shall be adopted
10 after reasonable consideration of both of the following:

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

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

15 (5) ~~(4)~~—If a zoning ordinance was adopted before March 28,
16 2001, the zoning ordinance is not required to be consistent with
17 any airport zoning regulations, airport layout plan, or airport
18 approach plan. A zoning ordinance amendment adopted or variance
19 granted after March 28, 2001 shall not increase any inconsistency
20 that may exist between the zoning ordinance or structures or uses
21 and any airport zoning regulations, airport layout plan, or airport
22 approach plan. This section does not limit the right to petition
23 for submission of a zoning ordinance amendment to the electors
24 under section 402 or the right to file a protest petition under
25 section 403.