

Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

**SFA**



**BILL ANALYSIS**

Telephone: (517) 373-5383  
Fax: (517) 373-1986  
TDD: (517) 373-0543

Senate Bills 764 and 765 (as enrolled)  
House Bills 5036 and 5037 (as enrolled)  
Sponsor: Senator Walter H. North (Senate Bills 764 & 765)  
Representative Mike Green (House Bills 5036 & 5037)  
Senate Committee: Local, Urban and State Affairs  
House Committee: Local Government and Urban Policy

**PUBLIC ACTS 382 and 383 of 2000**  
**PUBLIC ACTS 384 and 385 of 2000**

Date Completed: 1-8-00

### **RATIONALE**

According to the Bureau of Aeronautics, in the Michigan Department of Transportation, airports involve a variety of unique considerations and challenges to community planning. Many concerns, such as height restrictions, noise impact, and compatible land use, must be addressed in the planning to maintain airline safety as well as the quality of life expected by surrounding local communities.

Under Michigan law, counties, townships, cities, and villages may regulate land use, through zoning ordinances, within their jurisdiction. In addition, the Airport Zoning Act enables public airport sponsors to establish airport zoning boards or joint airport zoning boards to regulate, through zoning, height and land uses within the airport hazard area as established by the Michigan Aeronautics Commission and the local airport sponsor.

Reportedly, increases in air travel are placing an increasing demand on airports. It is estimated that air traffic could double by 2016. Many airports are considering or undergoing expansion activities to accommodate this demand. Although airport zoning boards must report expansion plans to the Department, they are not required to notify local governmental units about their development or expansion activity plans. Since the nearby presence of an airport can affect a neighboring residential community in many ways, some people believe that more communication and cooperation between airport authorities and their neighboring communities will help address local planning concerns.

### **CONTENT**

**Senate Bill 764 amended the Aeronautics Code to require the airport manager of an airport licensed under the Code promptly to file a copy of the airport approach plan and the airport layout plan, if any, and a registration of the airport's name**

and mailing address with any city, village, township or county that is located in whole or in part within the approach protection area. The filing must be made with the zoning board, zoning commission, or other commission appointed to recommend zoning regulations, or with the legislative body of the city, village, township, or county if there is no body exercising the powers of such a commission.

**Senate Bill 765 and House Bills 5036 and 5037 amended the City and Village Zoning Act, the Township Zoning Act, and the County Zoning Act, respectively, to require a city or village, township, or county to incorporate an airport layout plan or airport approach plan into its master plan; provide for consistency between city and village, township, or county zoning ordinances and any airport zoning regulations, airport layout plan, or airport approach plan; and require that notice of a zoning ordinance be given to the manager of each airport registered with a local unit.**

Senate Bill 764 was tie-barred to all of the other bills, which were tie-barred to Senate Bill 764. A more detailed description of Senate Bill 765 and House Bills 5036 and 5037 follows.

The bills provide that if a city's or village's, township's, or county's master plan is adopted or revised after an airport layout plan or airport approach plan is filed with the zoning commission, or with the legislative body of a city or village that does not have a zoning commission, the city or village, township, or county must incorporate the airport layout plan or airport approach plan into its master plan.

A zoning ordinance adopted after the bills' effective date must be adopted after reasonable consideration of the environs of any airport within a district, and of the comments received at or before a public hearing from the airport manager of any airport.

If a zoning ordinance was adopted before the bills'

effective date, the ordinance is not required to be consistent with any airport zoning regulations, airport layout plan, or airport approach plan. Any zoning ordinance amendment adopted or variance granted after the bills' effective date, however, may 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.

If a zoning ordinance is adopted after the bills' effective date, it must be consistent with any airport zoning regulations, airport layout plan, or airport approach plan. The bills state that these provisions do not limit the right to petition for submission of a zoning ordinance amendment to the electors.

Under the Acts, at least one public hearing must be held before a zoning ordinance is adopted or amended. Advance notice of the hearing must be published, as well as mailed to companies owning or operating a public utility or railroad within the districts or zones affected, that register with the local unit for purposes of receiving the notice. (Under the City and Village Zoning Act, notice must be published and mailed at least 15 days before the hearing. The Township Zoning Act and the County Zoning Act require publication of a first notice between 20 and 30 days in advance, and a second notice within eight days of the hearing, and require notice to be mailed at least 20 days before the hearing.) Under the bills, advance notice of the hearing also must be mailed to the airport manager of each airport that registers with the local unit.

Under the City and Village Zoning Act and the Township Zoning Act, after a zoning ordinance is adopted or amended, one notice of adoption must be published in a newspaper of general circulation in that city or village or township within 15 days after adoption. Senate Bill 765 and House Bill 5036 provide that promptly following adoption of a zoning ordinance or subsequent amendment by the legislative body of the city or village or by the township board, a copy of the notice of adoption also must be mailed to the airport manager of an airport that registered with the local unit to receive notice.

Under the County Zoning Act, following adoption of a zoning ordinance or subsequent amendments by the county board of commissioners, one notice of adoption must be published in a newspaper of general circulation in that county. Previously, the notice had to be published within 15 days after approval by the Department of Natural Resources (DNR). House Bill 5037 requires the notice to be published within 15 days after adoption of the ordinance or amendment by the county board of commissioners and approval by the Department of Consumer and Industry Services (DCIS), rather than the DNR. The bill also provides that promptly

following adoption of a zoning ordinance or subsequent amendment by the county board of commissioners and approval by the DCIS, a copy of the notice of adoption also must be mailed to the airport manager of an airport that registers to receive notice.

("Airport approach plan" means a plan, or an amendment to a plan, adopted under the Airport Zoning Act, and filed with the commission appointed to recommend zoning regulations for a city or village, with a township zoning board, or with a county zoning commission. "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 a zoning commission or board. "Airport zoning regulations" means the airport zoning regulations adopted under the Airport Zoning Act for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under the City or Village, Township, or County Act.)

MCL 259.9 & 259.151 (S.B. 764)  
125.581a et al. (S.B. 765)  
125.273a et al. (H.B. 5036)  
125.203a et al. (H.B. 5037)

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Airport expansions can urbanize large areas and put intense growth pressure on neighboring communities. According to the Michigan Department of Transportation, some people estimate that air traffic may double by the year 2016. Since environmental concerns and cost preclude the establishment of new airports, existing airports must be able to accommodate the increased air traffic. This means that land uses in the vicinity of airports must be reserved for compatible uses, while remaining comfortable for neighboring residents, who might object to increased noise, traffic, and pollution, and reduced land values. When an airport is expanded, consideration must be given to a number of factors, such as height restrictions, lighting in the approach area, proximity to landfills and wetlands (where flocks of birds can present a hazard), and land uses that might create smoke, fog, or other visibility obstructions. Each of these concerns must be addressed in community planning in order to maintain the safety of flight as well as the residents' quality of life.

#### A9900s764ea

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.

The bills will improve communication between airport authorities and local officials so that neighboring communities may be aware of airport plans and have the opportunity to address concerns regarding the environmental, community, and economic impacts of airport expansion and development activities. The bills also will ensure that airport managers are aware of proposed and adopted zoning ordinances that may affect them.

Legislative Analyst: N. Nagata

**FISCAL IMPACT**

The bills will have no fiscal impact on State or local government.

Fiscal Analyst: C. Thiel