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SFA**BILL ANALYSIS**

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Senate Bills 764 and 765 (as introduced 9-29-00)
Sponsor: Senator Walter H. North
Committee: Local, Urban and State Affairs

Date Completed: 9-27-00

CONTENT

Senate Bill 764 would amend the Aeronautics Code to require the airport manager of an airport licensed under the Code 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 the zoning board, zoning commission, or other commission appointed to recommend zoning regulations, if any, of any township, county, village, or city that was located in whole or in part within the approach protection area.

Senate Bill 765 would amend the City and Village Zoning Act to require a city or village to incorporate an airport layout plan or airport approach plan into a city or village zoning plan; provide for coordination between city and village zoning ordinances and airport zoning regulations, airport layout plan, or airport approach plan; and provide a notice to an airport manager of each airport affected by an adoption of a zoning ordinance.

The bills are tie-barred to each other. A more detailed description of Senate Bill 765 follows.

Under the Act, the legislative body of a city or village may regulate and restrict the use of land and structures to meet the need of the State's residents; ensure that land uses are situated in appropriate locations and relationships; limit overcrowding and congestion; facilitate adequate provision for public service needs; and promote public health, safety, and welfare. The land development regulations and districts must be made under a plan designed to promote and accomplish these objectives.

The bill provides that promptly after an airport layout plan or airport approach plan was filed with the commission appointed to recommend the zoning ordinance, the city or village would have to incorporate the airport layout plan or airport approach plan into the city or village plan. The ordinance would have to be made with reasonable consideration of the environs of any airport within a district (for an ordinance adopted after the bill's effective date), and of the comments received at or before a public hearing from the airport manager of any airport.

If a zoning ordinance were adopted before the bill's effective date, the ordinance would not have 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 bill's effective date, however, could not increase any inconsistency that could 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 were adopted after the bill's effective date, it would have to be consistent with any airport zoning regulations, airport layout plan, or airport approach plan. The bill states that this provision would not limit the right to file a protest petition concerning a zoning ordinance.

The Act authorizes a city or village to provide by ordinance for the manner in which regulations and boundaries of districts or zones will be determined and enforced or amended. At least one public hearing must be held before a regulation becomes effective, and at least 15 days' advance notice of the hearing

must be published and mailed to each public utility or railroad company in the districts or zones affected that registered with the city or village for receipt of the notice. A city or village also may appoint a commission to recommend the boundaries of districts and appropriate regulations to be enforced in them, or a city or village planning commission may perform that function. The commission must hold at least one public hearing on a tentative report before submitting its final report to the local legislative body. Under the bill, at least 10 days' advance notice of the hearing on a tentative report would have to be mailed to public utilities and railroads. Both the 15-day notice of a hearing on a regulation, and the 10-day advance notice of a hearing on a tentative report, also would have to be mailed to the airport manager of each airport that registered with the city or village clerk.

Under the Act, following adoption of a zoning ordinance and subsequent amendments by the legislative body of a city or village, one notice of adoption must be published in a newspaper of general circulation in that city or village within 15 days after adoption. The bill provides that promptly following adoption of a zoning ordinance or subsequent amendment by the legislative body of the city or village, a copy of the notice of adoption also would have to be mailed to the airport manager of an airport entitled to notice under the Act.

("Airport approach plan" would mean 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 the city or village. "Airport layout plan" would mean a plan, or an amendment to a plan, that showed current or proposed layout of an airport, that was approved by the Michigan Aeronautics Commission, and that was filed with the city or village zoning commission. "Airport zoning regulations" would mean the airport zoning regulations adopted under the Airport Zoning Act for an airport hazard area that lay in whole or part in the area affected by a zoning ordinance under the Act.)

MCL 259.9 & 259.151 (S.B. 764)
MCL 125.581 et al. (S.B. 765)

Legislative Analyst: N. Nagata

FISCAL IMPACT

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

Fiscal Analyst: C. Thiel

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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.