

**SENATE BILL NO. 173**

January 28, 1999, Introduced by Senator STILLE and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1943 PA 183, entitled "County zoning act," by amending the title and section 1 (MCL 125.201), the title as amended by 1998 PA 151 and section 1 as amended by 1996 PA 46.

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

1 TITLE

2 An act to provide for the establishment in portions of coun-  
3 ties lying outside the limits of incorporated cities and villages  
4 of zoning districts within which the proper use of land and natu-  
5 ral resources may be encouraged or regulated by ordinance, and  
6 for which districts provisions may also be adopted designating  
7 the location of, the size of, the uses that may be made of, the  
8 minimum open spaces, sanitary, safety, and protective measures  
9 that are required for, and the maximum number of families that  
10 may be housed in dwellings, buildings, and structures ~~that are~~

~~1 erected or altered~~ AND REGULATING THE SIZE AND DENSITY OF LOTS  
 2 AND PARCELS OF LAND; to designate the use of certain state  
 3 licensed residential facilities; to provide for a method for the  
 4 adoption of ordinances and amendments to ordinances; to provide  
 5 for emergency interim ordinances; to provide by ordinance for the  
 6 acquisition by purchase, condemnation, or otherwise, of property  
 7 that does not conform to the requirements of the zoning districts  
 8 so provided; to provide for the administering of ordinances  
 9 adopted; to provide for conflicts with other acts, ordinances, or  
 10 regulations; ~~to provide sanctions for violations;~~ to provide  
 11 for the assessment, levy, and collection of taxes; to provide for  
 12 referenda; to provide for appeals; to authorize the purchase of  
 13 development rights; to authorize the issuance of bonds and notes;  
 14 to provide for special assessments; and to prescribe ~~penalties~~  
 15 ~~and provide~~ OR PROVIDE FOR PENALTIES, CIVIL SANCTIONS, AND  
 16 remedies.

17       Sec. 1. (1) The county board of commissioners of a county  
 18 ~~in this state~~ may provide by zoning ordinance for the estab-  
 19 lishment of land development regulations and districts in the  
 20 portions of the county outside the limits of cities and villages  
 21 ~~which~~ THAT regulate the use of land ~~;~~ ~~to~~ AND STRUCTURES FOR  
 22 ANY OF THE FOLLOWING PURPOSES:

23       (A) TO meet the needs of the state's citizens for food,  
 24 fiber, energy, and other natural resources ~~—~~ AND FOR places of  
 25 residence, recreation, industry, trade, service, and other LAND  
 26 uses. ~~of land; to insure that uses of the land shall be~~

1 (B) TO ENSURE THAT LAND USES ARE situated in appropriate  
2 locations and relationships.  ~~/ to~~

3 (C) TO limit the  ~~inappropriate congestion of population and~~  
4  ~~the~~ overcrowding of land  ~~,~~ AND CONGESTION OF POPULATION AND OF  
5 transportation systems  ~~,~~ and other public facilities.  ~~/ to~~

6 (D) TO facilitate adequate and efficient transportation sys-  
7 tems, sewage disposal,  ~~and~~ water, energy, education, recre-  
8 ation, and other public  ~~service~~ SERVICES and  ~~facility needs,~~  
9  ~~and to~~ FACILITIES.

10 (E) TO promote public health, safety, and welfare.

11 (2) For  ~~those purposes the county board of commissioners~~  
12  ~~may divide~~ THE PURPOSES OF SUBSECTION (1), A ZONING ORDINANCE  
13 MAY DO 1 OR MORE OF THE FOLLOWING:

14 (A) DIVIDE the county into districts of a number, shape, and  
15 area  ~~as is considered best suited to carry out this act. The~~  
16  ~~county board of commissioners of a county may use this act to~~  
17  ~~provide by ordinance~~ THAT THE COUNTY BOARD OF COMMISSIONERS CON-  
18 SIDERS BEST.

19 (B) PROVIDE for the establishment of land development regu-  
20 lations and districts in the portions of the county outside the  
21 limits of cities and villages  ~~which~~ THAT apply only to land  
22 areas and activities  ~~which~~ THAT are involved in a special pro-  
23 gram to achieve specific land management objectives and avert or  
24 solve specific land use problems, including the establishment of  
25 land development regulations and districts in areas subject to  
26 damage from flooding or beach erosion.  ~~, and for those purposes~~  
27 THE ZONING ORDINANCE may divide the county into districts of a

1 number, shape, and area ~~as is considered~~ THAT THE COUNTY BOARD  
2 OF COMMISSIONERS CONSIDERS best suited to accomplish those  
3 objectives. ~~Land development regulations may also be adopted~~  
4 ~~designating or limiting the~~

5 (C) REGULATE 1 OR MORE OF THE FOLLOWING:

6 (i) THE location, size of, and ~~the~~ specific uses ~~for~~  
7 ~~which a dwelling, building, or structure~~ OF DWELLINGS, BUILD-  
8 INGS, OR STRUCTURES THAT may be erected or altered. ~~the~~

9 (ii) THE minimum open spaces, sanitary, safety, and protec-  
10 tive measures that shall be required for ~~those~~ THE dwellings,  
11 buildings, and structures. ~~and the~~

12 (iii) THE maximum number of families ~~which~~ THAT may be  
13 housed in ~~a building or dwelling erected or altered.~~ The  
14 ~~regulations~~ THE DWELLINGS, BUILDINGS, OR STRUCTURES.

15 (D) REGULATE THE SIZE OF LOTS AND PARCELS AND THE DENSITY OF  
16 LOTS AND PARCELS.

17 (3) THE REGULATIONS OF A ZONING ORDINANCE shall be uniform  
18 for each class of land or buildings throughout each district, but  
19 the regulations in 1 district may differ from those in other  
20 districts.

21 (4) A county ~~board of commissioners may~~ SHALL not under  
22 this act, or under an ordinance adopted pursuant to this act,  
23 regulate or control the drilling, completion, or operation of an  
24 oil or gas well, or any other well drilled for oil or gas explo-  
25 ration purposes and ~~shall~~ DOES not have jurisdiction ~~with ref-~~  
26 ~~erence to~~ OVER the issuance of permits for the location,  
27 drilling, completion, operation, or abandonment of those wells.

1 ~~Jurisdiction over those wells shall be~~ THE JURISDICTION OVER  
2 WELLS IS vested exclusively in the supervisor of wells of the  
3 state, as provided in part 615 ~~(supervisor of wells)~~ of the  
4 natural resources and environmental protection act, ~~Act No. 451~~  
5 ~~of the Public Acts of 1994, being sections 324.61501 to 324.61527~~  
6 ~~of the Michigan Compiled Laws~~ 1994 PA 451, MCL 324.61501 TO  
7 324.61527.

8 (5) ~~(2)~~ An ordinance adopted pursuant to this act is  
9 subject to the electric transmission line certification act, 1995  
10 PA 30, MCL 460.561 TO 460.575.