

# HOUSE BILL No. 4699

April 25, 1989, Introduced by Reps. Randall, Miller, Gnodtke and Ouwinga and referred to the Committee on Towns and Counties.

A bill to amend section 16b of Act No. 184 of the Public Acts of 1943, entitled as amended  
"The township rural zoning act,"  
being section 125.286b of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 16b of Act No. 184 of the Public Acts of  
2 1943, being section 125.286b of the Michigan Compiled Laws, is  
3 amended to read as follows:

4 Sec. 16b. (1) A township may provide in a zoning ordinance  
5 for special land uses which shall be permitted in a zoning dis-  
6 trict only after review and approval by either the zoning board,  
7 an official charged with administering the ordinance, or the  
8 township board. ~~, as specified in the ordinance.~~ The ordinance  
9 shall specify ALL OF THE FOLLOWING:

1 (a) The special land uses and activities eligible for  
2 approval consideration and the body or official charged with  
3 reviewing special land uses and granting approval.

4 (b) The requirements and standards upon which decisions on  
5 requests for special land use approval shall be based.

6 (c) The procedures and supporting materials required for  
7 application, review, and approval.

8 (2) Upon receipt of an application for a special land use  
9 ~~which~~ THAT requires a decision on discretionary grounds, 1  
10 notice that a request for special land use approval has been  
11 received shall be published in a newspaper ~~which~~ THAT circu-  
12 lates in the township ~~—~~ and sent by mail or personal delivery  
13 to the owners of property for which approval is being considered,  
14 to all persons to whom real property is assessed within 300 feet  
15 of the boundary of the property in question, and to the occupants  
16 of all structures within 300 feet. The notice shall be given not  
17 less than 5 nor more than ~~+5~~ 45 days before the date the appli-  
18 cation will be considered. If the name of the occupant is not  
19 known, the term "occupant" may be used in making notification.  
20 Notification need not be given to more than 1 occupant of a  
21 structure, except that if a structure contains more than 1 dwell-  
22 ing unit or spatial area owned or leased by different individu-  
23 als, partnerships, businesses, or organizations, 1 occupant of  
24 each unit or spatial area shall receive notice. In the case of a  
25 single structure containing more than 4 dwelling units or other  
26 ~~distinct~~ spatial areas owned or leased by different  
27 individuals, partnerships, businesses, or organizations, notice

1 may be given to the manager or owner of the structure who shall  
2 be requested to post the notice at the primary entrance to the  
3 structure. The notice shall DO ALL OF THE FOLLOWING:

4 (a) Describe the nature of the special land use request.

5 (b) Indicate the property ~~which~~ THAT is the subject of the  
6 special land use request.

7 (c) State when and where the special land use request will  
8 be considered.

9 (d) Indicate when and where written comments will be  
10 received concerning the request.

11 (e) Indicate that a public hearing on the special land use  
12 request may be requested by any property owner or the occupant of  
13 any structure located within 300 feet of the boundary of the  
14 property being considered for a special use.

15 (3) At the initiative of the body or official responsible  
16 for approving special land uses, ~~or~~ upon the request of the  
17 applicant for special land use authorization, or UPON THE REQUEST  
18 OF a property owner or the occupant of a structure located within  
19 300 feet of the boundary of the property being considered for a  
20 special land use, a public hearing with notification as required  
21 for a notice of a request for special land use approval ~~—~~ as  
22 provided in subsection (2) ~~—~~ shall be held before a decision is  
23 made on ~~the~~ A special land use request ~~which~~ THAT is based on  
24 discretionary grounds. If the applicant or the body or official  
25 responsible for approving special land uses requests a public  
26 hearing, only notification of the public hearing need be made. A  
27 decision on a special land use ~~which~~ THAT is based on

1 discretionary grounds ~~—~~ shall not be made unless notification  
2 of the request for special land use approval, or notification of  
3 a public hearing on a special land use request, has been made as  
4 required by this section.

5       (4) The body or official designated in the zoning ordinance  
6 to review and approve special land uses may deny ~~—~~ OR approve,  
7 or approve with conditions, a request for special land use  
8 approval. The decision on a special land use shall be incorpo-  
9 rated in a statement ~~containing the~~ OF conclusions relative to  
10 the special land use under consideration ~~which~~ THAT specifies  
11 the basis for the decision ~~—~~ and any conditions imposed.