

HOUSE BILL No. 4443

March 8, 2001, Introduced by Rep. Jammick and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1921 PA 207, entitled
"City and village zoning act,"
by amending section 4 (MCL 125.584), as amended by 2000 PA 383.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) The legislative body of a city or village may
2 provide by ordinance for the manner in which regulations and
3 boundaries of districts or zones shall be determined and enforced
4 or amended, supplemented, or changed. ~~At least 1 public hearing~~
5 ~~shall be held by the commission appointed to recommend zoning~~
6 ~~regulations or, if a commission does not exist, by the legisla-~~
7 ~~tive body before a regulation becomes effective. Not less than~~
8 ~~15 days' notice of the time and place of the public hearing shall~~
9 ~~first be published in an official paper or a paper of general~~
10 ~~circulation in the city or village. Not less than 15 days'~~
11 ~~notice of the time and place of the public hearing shall first be~~

~~1 given by mail to each public utility company and each railroad
2 company owning or operating any public utility or railroad within
3 the districts or zones affected, and the airport manager of each
4 airport, that registers its name and mailing address with the
5 city or village clerk for the purpose of receiving the notice.
6 An affidavit of mailing shall be maintained. A hearing shall be
7 granted to an interested person at the time and place specified
8 on the notice.~~

9 (2) The legislative body of a city or village, unless other-
10 wise provided by charter, may appoint a commission to recommend
11 in the first instance the boundaries of districts and appropriate
12 regulations to be enforced in the districts. If a city or vil-
13 lage has a planning commission, that commission shall ~~be~~
14 ~~appointed to~~ perform the duties set forth in this section. The
15 commission shall make a tentative report and hold at least 1
16 public hearing before submitting its final report to the legisla-
17 tive body. A summary of the comments submitted at the public
18 hearing shall be transmitted with the report of the commission to
19 the legislative body. The legislative body may hold additional
20 public hearings if it considers it necessary or ~~as may be~~ IF
21 required by charter. ~~-(3) In a city or village having a commis-~~
22 ~~sion appointed to recommend zoning requirements, the legislative~~
23 ~~body shall not in the first instance determine the boundaries of~~
24 ~~districts or impose regulations until after the final report of~~
25 ~~the commission. In such a city or village, the legislative body~~
26 ~~shall not amend the ordinance or maps after they are adopted in~~
27 ~~the first instance until the proposed amendment has been~~

~~1 submitted to the commission and it has held at least 1 hearing~~
~~2 and made report thereon. In either case, the~~ THE legislative
3 body may adopt the ordinance and maps, with or without amend-
4 ments, after receipt of the commission's report, or refer the
5 ordinance and maps again to the commission for a further report.

6 (3) IF A CITY OR VILLAGE DOES NOT HAVE A COMMISSION
7 APPOINTED TO RECOMMEND A ZONING ORDINANCE, THE LEGISLATIVE BODY
8 OF THE CITY OR VILLAGE SHALL HOLD AT LEAST 1 PUBLIC HEARING
9 BEFORE ADOPTING A ZONING ORDINANCE.

10 (4) THE CITY OR VILLAGE CLERK SHALL PUBLISH NOTICE OF THE
11 TIME AND PLACE OF A PUBLIC HEARING OF THE COMMISSION APPOINTED TO
12 RECOMMEND A ZONING ORDINANCE UNDER SUBSECTION (2) OR OF THE LEG-
13 ISLATIVE BODY UNDER SUBSECTION (3) IN AN OFFICIAL NEWSPAPER OR A
14 NEWSPAPER OF GENERAL CIRCULATION IN THE CITY OR VILLAGE NOT LESS
15 THAN 30 OR MORE THAN 40 DAYS BEFORE THE PUBLIC HEARING. THE CITY
16 OR VILLAGE CLERK SHALL ALSO GIVE NOT LESS THAN 15 DAYS' NOTICE OF
17 THE TIME AND PLACE OF THE PUBLIC HEARING BY MAIL TO EACH PUBLIC
18 UTILITY COMPANY AND EACH RAILROAD COMPANY OWNING OR OPERATING ANY
19 PUBLIC UTILITY OR RAILROAD WITHIN THE DISTRICTS OR ZONES AFFECT-
20 ED, AND THE AIRPORT MANAGER OF EACH AIRPORT, THAT REGISTERS ITS
21 NAME AND MAILING ADDRESS WITH THE CITY OR VILLAGE CLERK FOR THE
22 PURPOSE OF RECEIVING THE NOTICE. THE CITY OR VILLAGE CLERK SHALL
23 MAINTAIN AN AFFIDAVIT OF MAILING FOR THE NOTICE.

24 (5) ~~-(4) After the ordinance and maps have in the first~~
25 ~~instance been approved by the legislative body of a city or vil-~~
26 ~~lage, amendments or supplements thereto may be made as provided~~
27 ~~in this section, except that~~ AMENDMENTS OR SUPPLEMENTS TO A

1 ZONING ORDINANCE OR MAPS SHALL BE ADOPTED IN THE SAME MANNER AS
2 THE ORIGINAL ZONING ORDINANCE OR MAPS. HOWEVER, if an individual
3 property or several adjacent properties are proposed for rezon-
4 ing, notice of the proposed rezoning and hearing OF THE COMMIS-
5 SION APPOINTED TO RECOMMEND A ZONING ORDINANCE UNDER SUBSECTION
6 (2) OR OF THE LEGISLATIVE BODY UNDER SUBSECTION (3) shall ALSO be
7 given to the owners of the property in question, ~~at least 15~~
8 ~~days before the hearing.~~ TO ALL PERSONS TO WHOM IS ASSESSED ANY
9 REAL PROPERTY WITHIN 300 FEET OF THE PROPERTY PROPOSED FOR REZON-
10 ING, AND TO THE OCCUPANTS OF ALL SINGLE AND 2-FAMILY DWELLINGS
11 WITHIN 300 FEET OF THE PROPERTY PROPOSED FOR REZONING. THE
12 NOTICE SHALL BE DELIVERED TO THE RESPECTIVE OWNERS AND TENANTS AT
13 THE ADDRESS GIVEN IN THE LAST ASSESSMENT ROLL. IF THE TENANT'S
14 NAME IS NOT KNOWN, THE NOTICE MAY BE ADDRESSED TO "OCCUPANT". IF
15 THE NOTICE IS DELIVERED BY MAIL, AN AFFIDAVIT OF MAILING SHALL BE
16 FILED WITH THE COMMISSION OR LEGISLATIVE BODY BEFORE THE
17 HEARING. THE NOTICE SHALL BE MAILED OR PERSONALLY DELIVERED NOT
18 LESS THAN 15 DAYS BEFORE THE HEARING AND SHALL STATE THE TIME,
19 PLACE, DATE, AND PURPOSE OF THE HEARING.

20 (6) ~~-(5)-~~ Upon presentation of a protest petition meeting
21 the requirements of this subsection, an amendment to a zoning
22 ordinance which is the object of the petition shall be passed
23 only by a 2/3 vote of the legislative body, unless a larger vote,
24 but not to exceed 3/4 vote, is required by ordinance or charter.
25 The protest petition shall be presented to the legislative body
26 before final legislative action on the amendment and shall be
27 signed by 1 of the following:

1 (a) The owners of at least 20% of the area of land included
2 in the proposed change.

3 (b) The owners of at least 20% of the area of land included
4 within an area extending outward 100 feet from any point on the
5 boundary of the land included in the proposed change.

6 (7) ~~-(6)-~~ For purposes of subsection ~~-(5)-~~ (6), publicly
7 owned land shall be excluded in calculating the 20% land area
8 requirement.

9 (8) ~~-(7)- Following~~ NOT MORE THAN 15 DAYS AFTER THE adoption
10 of a zoning ordinance ~~and subsequent amendments~~ OR A SUBSEQUENT
11 AMENDMENT by the legislative body of a city or village, 1 notice
12 of adoption shall be published in a newspaper of general circula-
13 tion in the city or village. ~~within 15 days after adoption.~~
14 Promptly following adoption of a zoning ordinance or A subsequent
15 amendment by the legislative body of the city or village, a copy
16 of the notice of adoption shall also be mailed to the airport
17 manager of an airport entitled to notice under subsection (1).

18 (9) ~~-(8)-~~ The notice of adoption under subsection ~~-(7)-~~ (8)
19 shall include the following information:

20 (a) In the case of a newly adopted zoning ordinance, the
21 following statement: "A zoning ordinance regulating the develop-
22 ment and use of land has been adopted by the city (village) coun-
23 cil (OR OTHER LEGISLATIVE BODY) of the city (village) of
24 _____".

25 (b) In the case of an amendment to an existing ordinance,
26 either a summary of the regulatory effect of the amendment,

1 including the geographic area affected, or the text of the
2 amendment.

3 (c) The effective date of the ordinance.

4 (d) The place and time where a copy of the ordinance may be
5 purchased or inspected. The filing and publication requirements
6 in this section relating to city and village zoning ordinances
7 supersede charter provisions relating to the filing and publica-
8 tion of city and village ordinances.