

SENATE BILL No. 1413

September 21, 2004, Introduced by Senators BASHAM, JACOBS and GARCIA and referred to the Committee on Local, Urban and State Affairs.

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
7 legislative body before a regulation becomes effective. Not less
8 than 15 days' notice of the time and place of the public hearing
9 shall first be published in an official paper or a paper of
10 general circulation in the city or village. Not less than 15
11 days' notice of the time and place of the public hearing shall

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

9 (2) The legislative body of a city or village, unless
10 otherwise provided by charter, may appoint a commission to
11 recommend in the first instance the boundaries of districts and
12 appropriate regulations to be enforced in the districts. If a
13 city or village has a planning commission, that commission shall
14 be appointed to perform the duties set forth in this section.
15 The commission shall make a tentative report and hold at least 1
16 public hearing before submitting its final report to the
17 legislative body. A summary of the comments submitted at the
18 public hearing shall be transmitted with the report of the
19 commission to the legislative body. The legislative body may
20 hold additional public hearings if it considers it necessary or
21 as may be required by charter.

22 (3) In a city or village having a commission appointed to
23 recommend zoning requirements, the legislative body shall not in
24 the first instance determine the boundaries of districts or
25 impose regulations until after the final report of the
26 commission. ~~In such a city or village, the~~ **The** legislative
27 body **of the city or village** shall not amend the ordinance or maps

1 after they are adopted in the first instance until the proposed
2 amendment has been submitted to the commission and it has held at
3 least 1 hearing and made report ~~thereon~~ **on the amendment**. ~~In~~
4 ~~either case, the~~ **The** legislative body may adopt the ordinance
5 and maps, with or without amendments, after receipt of the
6 commission's report, or refer the ordinance and maps again to the
7 commission for a further report.

8 (4) After the ordinance and maps have in the first instance
9 been approved by the legislative body of a city or village,
10 amendments or supplements ~~thereto~~ **to the ordinance** may be made
11 as provided in this section, except that if an individual
12 property or several adjacent properties are proposed for
13 rezoning, notice of the proposed rezoning and hearing shall
14 **include a list of each street address within the proposed rezoned**
15 **property and** be given to the owners of the property ~~in question~~
16 **proposed for rezoning and to all residents living within the**
17 **affected property** at least 15 days before the hearing.

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

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

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

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

(7) Following adoption of a zoning ordinance and subsequent amendments by the legislative body of a city or village, 1 notice of adoption shall be published in a newspaper of general circulation in the city or village within 15 days after adoption. 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 shall also be mailed to the airport manager of an airport entitled to notice under subsection (1).

(8) The notice of adoption under subsection (7) shall include the following information:

(a) In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the city (village) council of the city (village) of _____".

(b) In the case of an amendment to an existing ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.

(c) The effective date of the ordinance.

(d) The place and time where a copy of the ordinance may be purchased or inspected. The filing and publication requirements

1 in this section relating to city and village zoning ordinances
2 supersede charter provisions relating to the filing and
3 publication of city and village ordinances.