



HOUSE BILL No. 5945

September 26, 2000, Introduced by Rep. Jamnick 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).

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

8 (2) The legislative body of a city or village, unless other-
9 wise provided by charter, may appoint a commission to recommend
10 in the first instance the boundaries of districts and appropriate
11 regulations to be enforced in the districts. If a city or vil-
12 lage has a planning commission, ~~that commission shall be~~
13 ~~appointed to perform the duties set forth in~~ THE PLANNING COM-
14 MISSION SHALL BE CONSIDERED THE COMMISSION APPOINTED TO RECOMMEND
15 A ZONING ORDINANCE, FOR THE PURPOSES OF this section. The com-
16 mission shall make a tentative report and hold at least 1 public
17 hearing before submitting its final report to the legislative
18 body. A summary of the comments submitted at the public hearing
19 shall be transmitted with the report of the commission to the
20 legislative body. The legislative body may hold additional
21 public hearings if it considers it necessary ~~,~~ or as may be
22 required by charter. ~~-(3) In a city or village having a commis-~~
23 ~~sion appointed to recommend zoning requirements, the legislative~~
24 ~~body shall not in the first instance determine the boundaries of~~
25 ~~districts nor impose regulations until after the final report of~~
26 ~~the commission, nor shall the ordinance or maps be amended after~~
27 ~~they are adopted in the first instance until the proposed~~

~~1 amendment has been submitted to the commission and it has held at~~
~~2 least 1 hearing and made report thereon. In either case the~~ THE
 3 legislative body may adopt the ordinance and maps, with or with-
 4 out amendments, after receipt of the commission's report, or
 5 refer the ordinance and maps again to the commission for a fur-
 6 ther report.

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

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

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 be
7 given to the owners of the property in question, ~~at least 15~~
8 ~~days before the hearing~~ TO ALL PERSONS TO WHOM ANY REAL PROPERTY
9 WITHIN 300 FEET OF THE PROPERTY IN QUESTION IS ASSESSED, AND TO
10 THE OCCUPANTS OF ALL SINGLE AND 2-FAMILY DWELLINGS WITHIN 300
11 FEET. THE NOTICE SHALL BE DELIVERED TO THE RESPECTIVE OWNERS AND
12 TENANTS AT THE ADDRESS GIVEN IN THE LAST ASSESSMENT ROLL. IF THE
13 TENANT'S NAME IS NOT KNOWN, THE NOTICE MAY BE ADDRESSED TO
14 "OCCUPANT". IF THE NOTICE IS DELIVERED BY MAIL, AN AFFIDAVIT OF
15 MAILING SHALL BE FILED WITH THE COMMISSION OR LEGISLATIVE BODY
16 BEFORE THE HEARING. THE NOTICE SHALL BE MAILED OR PERSONALLY
17 DELIVERED NOT LESS THAN 15 DAYS BEFORE THE HEARING AND SHALL
18 STATE THE TIME, PLACE, DATE, AND PURPOSE OF THE HEARING.

19 (6) ~~(5)~~ Upon presentation of a protest petition meeting
20 the requirements of this subsection, an amendment to a zoning
21 ordinance which is the object of the petition shall be passed
22 only by a 2/3 vote of the legislative body, unless a larger vote,
23 but not to exceed 3/4 vote, is required by ordinance or charter.
24 The protest petition shall be presented to the legislative body
25 before final legislative action on the amendment ~~,~~ and shall be
26 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 adoption of
10 a zoning ordinance and subsequent amendments by the legislative
11 body of a city or village, 1 notice of adoption shall be pub-
12 lished in a newspaper of general circulation in the city or
13 village. ~~within 15 days after adoption.~~ The notice shall
14 include the following information:

15 (a) In the case of a newly adopted zoning ordinance, the
16 following statement: "A zoning ordinance regulating the develop-
17 ment and use of land has been adopted by the city (village) coun-
18 cil of the city (village) of _____".

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

23 (c) The effective date of the ordinance.

24 (d) The place and time where a copy of the ordinance may be
25 purchased or inspected. The filing and publication requirements
26 in this section relating to city and village zoning ordinances

1 supersede charter provisions relating to the filing and
2 publication of city and village ordinances.