



**House  
Legislative  
Analysis  
Section**

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**CITY, TOWNSHIP & COUNTY  
ZONING: BILLBOARD REQUEST**

**House Bills 4264-4266**

**Sponsor: Rep. John Pappageorge**

**Committee: Local Government and  
Urban Policy**

**Complete to 2-27-03**

**A SUMMARY OF HOUSE BILLS 4264 - 4266 AS INTRODUCED 2-25-03**

The bills would require local units of government to notify certain neighboring communities upon receipt of an application for a special land use concerning billboards. A detailed description of each bill follows.

House Bill 4264 would amend the City and Village Zoning Act (MCL 125.584a et al.), which allows cities and villages to regulate and restrict the use of land and structures for various purposes, to require a city or village to give notice of a request concerning an advertising or informational “sign” or “structure” requiring a discretionary decision to the legislative body of any city, village, or township with a boundary within 1,500 feet of the boundary of the property that was the subject of the request. Currently, the act allows a city or village to enact a zoning ordinance that requires parties to apply for permission to use land for special purposes, subject to review and approval by either the city or village’s legislative body or by a party charged with administering the ordinance. Upon receiving an application for a “special land use” that requires a decision on discretionary grounds, a notice must both be published in a newspaper of general circulation and be sent to persons who own or occupy property or structures within 300 feet of the property under consideration. The bill would allow the legislative body of any such city, village, or township to request that a public hearing on the special land use request be held, in accordance with procedures currently allowing other parties who receive notice to request a public hearing.

Under the act, the legislative body of a city or village may serve as a board of appeals upon questions arising under a zoning ordinance or it may appoint a board. The board of appeals hears appeals and other matters referred to the board, as specified in the zoning ordinance. The bill would require that a board of appeals provide a notice of a hearing concerning an appeal of a decision on a billboard request to the legislative body of any city, village, or township within 1,500 feet of the boundary of property that was the subject of the request. Currently, the act requires that notice be given to owners and occupants of property and structures within 300 feet of the property.

Finally, the bill would specify that if a city or village was a party in a judicial action arising from a decision on a special land use request concerning a sign or structure, any other city or village, or township, with a boundary within 1,500 feet of the boundary of the property that was the subject of the action, could intervene in the action, with the approval of the legislative body of the city or village that was party to the action or under any other circumstances provided by law or the Michigan court rules.

**House Bills 4264-4266 (2-27-03)**

House Bill 4265 would amend the County Zoning Act (MCL 125.216b et al.) to make nearly identical changes to those proposed by House Bill 4264. Just as the City and Village Zoning Act allows those local units of government to enact zoning ordinances requiring township approval for “special land uses”, the County Zoning Act allows counties to enact zoning ordinances requiring county approval for such uses. In the case of a request concerning a sign or sign structure, the bill would require that the county notify all of the following; (1) the legislative body of the city, village, or township where the property that was the subject of the request was located; (2) the legislative body of any other city, village, or township with a boundary within 1,500 feet of the boundary of the property; and (3) the county board of commissioners of each other county where any of the notified cities, villages, or townships were located. Any such city, village, township, or county could request a public hearing on the request and notice of the hearing would have to be sent to all such cities, villages, townships, and counties.

Like House Bill 4264, the bill would require such cities, villages, townships, and counties to be notified of a hearing held in the case of an appealed decision concerning a “sign” or “sign structure” request. The bill would also permit such cities, villages, townships, and counties to intervene in a judicial action arising from a decision on a request.

Finally, the bill would clarify certain provisions dealing with a county’s regulation of planned unit developments.

House Bill 4266 would amend the Township Zoning Act (MCL 125.286b et al.) to require a township to notify certain neighboring communities upon receipt of an application for a special land use concerning an advertising or informational “sign” or “sign structure”—e.g., a billboard—if the request requires a decision on discretionary grounds by the township. Like the zoning acts for cities and villages, and for counties, the act allows townships to enact zoning ordinances requiring township approval for “special land uses”. Upon receipt of an application for any special land use that requires a decision on discretionary grounds, the township must publish a notice in a newspaper that circulates in the township. Currently, the township must also notify the owners of the property for which approval is being considered as well as all owners and occupants of property and structures within 300 feet of the boundary of the property for which approval is being considered. The bill would require that the township also send notice to certain neighboring communities when it received a request concerning an informational or advertising “sign” or “sign structure”. Specifically, the township would have to notify both the legislative body of any other township, city, or village with a boundary within 1,500 feet of the boundary of the property for which approval is being considered and the county board of commissioners of each county where any such township, city, or village is located. The legislative body of any such city, village, or township or the county board of commissioners could request that a public hearing on the sign or sign structure request be held, in accordance with procedures currently allowing other parties to call for a public hearing. Moreover, all such cities, villages, townships, and counties would have to be notified of a public hearing held on the request.

Under the act, the township board of appeals hears appeals of special land use decisions only if it the township’s zoning ordinance directs the board to do so. The bill would specify that

if the board of appeals heard an appeal of a decision on a special land use request concerning a sign or sign structure, the board would have to notify the neighboring communities, as described above. Also, if a township was a party in a judicial action arising from its decision on such a request, a “neighboring” city, village, or township, or county board of commissioners could intervene in the action, with the approval of the township board or under any other circumstances provided by law or the Michigan court rules.

Finally, the bill would clarify current language in the act concerning township zoning requirements for “planned unit developments”; the proposed clarifications would not make any substantive changes.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.